



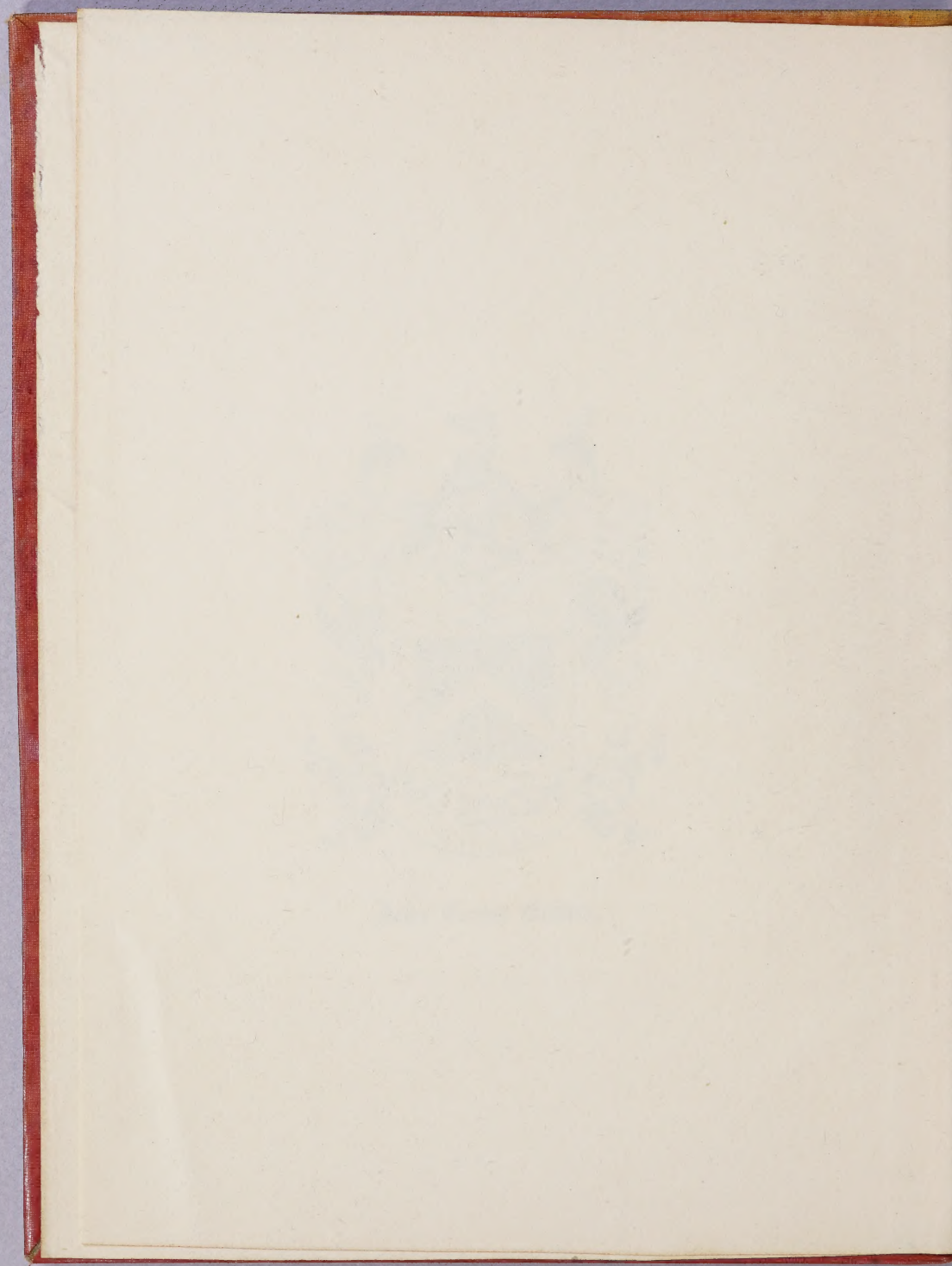




John Carter Brown.

Sheet #135







# ENQUIRY

into the

DEFENCE

OF

THE

ARMY

IN THE

WAR

OF 1857

BY

THE

COMMISSIONERS

OF THE

REVENUE

DEPARTMENT

OF THE

GOVERNMENT

C



A N  
ENQUIRY  
INTO THE  
*Caledonian Project*,  
WITH A  
DEFENCE  
OF  
*ENGLAND's* Procedure  
(In point of Equity) in Relation thereunto.

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In a Friendly LETTER from *London*, to a  
Member of the *Scots African and Indian Com-*  
*pany in Edinburgh*, to guard against Passion.

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— *Sero medicina paratur.*  
*Principiis Obsta.*

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L O N D O N,  
Printed for *John Nutt*, near *Stationers-Hall*; and Sold  
by the Bookfellers of *London* and *Westminster*, 1701.

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INTO THE

Calderonian Process

WITH A  
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Member of the Scots African and Indian Com-  
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Printed for John Warr, near Stationer-Hall; and Sold  
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A N  
ENQUIRY

INTO THE  
*Caledonian Project, &c.*

SIR,

London, January 9th. 1737.

**Y**OUR Cholerick Letter of the 26th of December I receiv'd, and was not a little surpris'd at the unwonted strain of your Pen, which hitherto I always found govern'd with a temper suitable to your Character. I am unwilling to Raillie a Man of your Reason, believing what you have deliver'd to be only the airy flights of some unthinking angry Gentlemen of your Company, and no way your own Sentiment. *Horace* seems to have directed his Epistle to such; *Lib. 1. Epist. 2.*

*Invidus alterius macrescit rebus opimis.*

*Invidia scali non invenere tyranni*

*Majus tormentum. —*

*Ira furor brevis est: animum rege. —*

*Darien*, which is your Text, is still in the same place where your People left it. We don't find either *French*,



*Danes* or *Dutch* so fond of it, as your Writing Partizans have endeavour'd to make you and us believe. By what I can learn, half a Regiment of any Nation may still possess themselves of your *Caledonian* Port and Fort *St. Andrew*; but how long these, or six times as many, will be able to keep it, I will not undertake to resolve you.

As for the Legality of your Title to that Settlement I shall not meddle with, but satisfy my self with what has been said *Pro* and *Con*, and with the World's Opinion of it. The Project is still a Mystery, it being hitherto told stammeringly and piecemeal, and so as few People, besides your selves, can make any thing of it.

The Defender of that Settlement tells us Page 15th. 'That by your settling a Colony on *Darien*, you did not pretend to set up an *East-India* Trade. The *Enquirer* seems to confirm the same, Page 17th. when he says, 'That it was not our Interest immediately to think of an *East-India* Trade, is evident from this, that it would have exported our Money, with which it's known we don't abound, and ruined the Linnen Manufacture of our Kingdom, upon which so many poor People depend.

Mr. *Paterson* on the other-hand (who is said to be the Founder of your Project) seems to mean otherwise, when the very first Words he useth to set that Settlement off, in the *Caledonian* Declarations, are these — 'It  
 Vid. *Enquirer*,  
 p. 168: 'hath the advantage of being a narrow *Isthmus*  
 'seated in the height of the World, between the  
 'two vast Oceans which renders it more convenient than  
 'any other, for being the common Storehouse of the unsearchable and immense Treasures of the spacious *South-Seas*, and the Door of Commerce to *China* and *Japan*, and  
 'the *Emporium* and Staple for the Trade of both the *Indies*. —  
 Tho' that Projector appears to have been in a *Dilirium* by that *Rapsody*, yet an *East-India* Trade, and a quick one, seem'd to be the honestest part of the design, had the Companies



panies Legs been long enough, and the *Darien* Road their own

In other places your Authors seem to deny that either a Sugar or Tobacco Trade was your design, for the *Darien Defender* endeavouring to prove that the *Caledonian* Settlement could be no damage to the *English* Plantations expresseth himself thus, *Page 15th*. ‘ But withal we deny that it ‘ can be any damage to their Trade, which from that part ‘ of the World consists chiefly in Sugars and Tobacco, neither of which are to be found yet in *Caledonia*.—— This Author needed not have given us so much satisfaction in the matter, providing no *European* Prince in Alliance with his Majesty had challeng’d a Right to the Ground it grows upon : Although he has the misfortune to forget himself (an Epidemical Fault amongst the Company’s Clerks) and says in the Description of the *Darien* Country, *Page 64*. ‘ That ‘ Sugar Canes grow wild there, of which the *Indians* make ‘ no other use but to suck out the Juice. And *page 66*. ‘ That they have Tobacco likewise, but don’t understand the ‘ planting or manuring of it, and that it is not so strong as ‘ that of *Virginia*.

By your Colony’s Letter to the Company, dated *Dec. 28. 1698*. and cited in the *Enquirer*, *page 104*. your Project seems design’d for a private Trade with the *Spaniard* : As likewise by that Letter of his Eminence *William Paterson*, to a Friend in *Boston* in *New-England*, cited in *page 74* of the same Author. By both which the Collony shew, ‘ That ‘ they wanted Goods and Merchandizes both for the Inland ‘ Trade and for places along the Shore, there being commonly but two or three, or at most but eight or ten days ‘ sail to the best places of Trade upon the Coast. I want to know what kind of Trade the Collony meant, for in all that Circuit there’s none but *Spaniards* (besides the *English* on *Jamaica*) to trade withal, and that Commerce is positively prohibited by the Treaties betwixt the Crowns of  
Great



*Great Britain and Spain.* As for Trading with the *Darien Indians* its a Chymera, for by what I can learn from those who have been there, these poor Creatures neither have nor want any thing (if the Paradox may be admitted) and that an ordinary seiz'd Pedlar can carry more on his back than he can find a Market for over all the *Darien* Courts in a Year.

If you meant to Trade with the *English* Plantations, as the *Darien Defender*, page 19. hints at in these words, 'The success of the *Scots* in the *American* Collony will be an Additional strength to the *English* Plantations in the *West-Indies*, as well as the Advancement of their Trade, by consuming their Product, and giving them theirs in exchange. — You'll soon make it appear whether *England* will get or lose by it. As for the *Additional Strength* he talks of, the question is otherwise stated in *England*, viz. Whether by the Elbow room of your Collony's Constitution, and your Neighbourhood with that which the Tenth Precept of Divine Law forbids you to long after, it would not make the *English* Sugar Planters lazy, or depopulate their Plantations; and the event of it.

Its very odd that you should pretend to perswade the *English* of these Ethereal Advantages in Trade, when by the Constitution of their *American* Collonies, and the Act of *Navigation*, care is taken that no Foreigner should Trade with them (except in carrying them Provisions and Servants) nor reap the Fruits of the *English* Nations industry, but themselves. It can't be thought that all the Sugars your Collony could consume (I mean for their proper use) will heighten or lower either the *American* or *European* Markets. If you design by making your *Caledonian* Port a Free Mart, to sell *East-India* and *European* Goods to such *English* and others who will go and fetch them, and to take the Product of their Plantations in exchange, you'll certainly do your business, and get an Estate at once providing you have but a good Stock to go upon; for thereby you may Monopolize  
and



and hoard up all the *American* Sugars, Indicoes and Tobacco in your *Caledonian* Warehouse, and transmit them to *Scotland* Custom free, and thence over the *English* Border, or where else you please; or if you think fit to keep these Commodities at home, the *English* will be glad to fetch them, and take them at your price.—— This was well calculated, tho' not so prudently divulg'd by your *Caledonian* Declarations, in frightening *England* and *Holland* with your Colonies having the best prospect of any as yet in the World to be 'the common Storehouse, *Emporium*, and Staple of Trade' for both the *Indies*.—— Don't these Advantages your Author proposes to this Nation resemble those of *Teague*, who out of Love and Kindness proffer'd to save my Lord Mayor 5000 *l.* by condescending to marry his Daughter with half her Portion? Or mayn't it seem strange that a Man, who writes so good *English*, carries so little Reason in his Pen, that every Page is enough to set the Reader's Teeth on edge?

If none of the forementioned Designs lay at the bottom of your Project, pray what had you to lean on? Your Author indeed talks of Gold Mines, and of bringing home Plate in Native bottoms, and not stopping at *Cadiz*, or humouring *Spanish* Indulto's. As for that thing called a Gold Mine I could never as yet well comprehend it: Some Travellers and *Kirtuoso's* say that there's no such thing: or at least that Gold is not digg'd up as other Ore is. Those who have been on the Golden side of *Darien* say that it's wash't with the Rains from off the Mountains down the Gullies, and so into some certain Rivers, where it is mixed with the Sand and Mud, and by Art separated. Those golden Mountains, Gullies and Rivers on the Southside of the *Isthmus* are in actual Possession and Occupation of the *Spaniards*. There's no such thing as Gold found upon the *Caledonian* side; or, if there is, none of your Collony nor those whom you call your *Indian* Friends could find it notwithstanding they visited  
every



every Creek and River along the Northern Shore from the Gulph to the *Samballa's*, which is 20 odd Leagues in length. Or if there was any, its pity none of these who return'd could bring so much of it home as to buy them a suit of Cloaths. I have seen about 3 Ounces of it indeed, which the two Councillours Mr. *Montgomrie* and *Jollie* brought with them to *London*, and about the same quantity which *Harris* had, but never heard of any other that brought so much to *Britain*, if it is not one Captain *Drummond*, who, they say, brought near a Pound to *Scotland*.

Your Authors write indeed of *Gold Mines*, which your Friend and allie Capt. *Diego* has in his District, and that he once permitted the *Spaniards* to dig up some Gold out of them, but they not paying their Stripulated Tribute or Share, he drove them away, and retook the *Mines* into his own possession. If this be true, its pity *Diego* did not assist your Colony with some of those Forces, or at least with a few pounds of that Ore to buy Provisions, that thereby your *Caledonians* might be the better enabl'd to assist them against their Mortal and Native Enemies the *Spaniards*, as your Authors give it out. But still, if these Gentlemen, who are return'd from *Darien* don't Lye, *Diego* was never in your Colony, and those *Mines* your Authors mean, are still in Possession and Occupation of the *Spaniards*, and guarded with a Fort and Garrison call'd *Tubaconti*, within three Leagues of which Capt. *Montgomerie* with a hundred of your Men attack't Twenty Six *Spaniards* on *February* the 6th 1699. and chas'd them into their Garrison, without ever having any Communication or an Angry word previously with either *American* or *European* Spaniard.

Now which of all these Designs form'd your Project, your Authors have not as yet Candidly told us, and it still seems as great a Mystery as ever. *Exitus*, they say, *acta probat*, but it seems you will not suffer this to be verified of your Undertaking. The World, especially such as are jealous



ious of their Interest, will take the liberty to pry into things : and if your Company will force their Tale and Project upon the Subjects of this Nation, I hope you'll allow them to enquire into it before they embrace it, and give the Government of this Country leave to weigh it justly, and not to run hand over head upon your or *Paterfon's* Chimeras. If your Company had got a rich Project by the end, why would not they make the most on't, without engaging those of another Nation whose Government had no mind to it? Is it not enough to farewell without crying Roast-meat. If your Project was correspondent, and in persuance of the Act of Parliament granted in your Favour, you needed not to fear any opposition, for by your Union with *England* you had the most powerful Prince in the World, by Sea, to protect you ; one who was willing to grant you any thing that might advance your Interest and Welfare, and who had solemnly bound himself to defend you against all Opposers, providing you did not invade the Propriety and Interest of other Princes in Alliance or Amity with him.

You being thus securely guarded from the Insults of all Nations, what occasion had you to press Foreigners to share the Benefits and Privileges of your Act ? You could thereby propos'd no larger Dividends to your selves than in proportion to your *Quota* in the Stock ; and the other Nations who were joint Sharers with you, must, besides their Foreign Factorage, run away with near half the Profit. You may perhaps think me impertinent in offering to dictate to you what is, or should be, the Interest of your Company, and the more, because your Act of Parliament empower'd you to take Foreign Subscriptions where-ever you could get them.

I own that by your Act you may take Foreign Subscriptions where-ever you can procure them, but I deny that your Acts have any force without your *Scots* Dominions upon the Government or Subjects of any Nation : Neither can I understand by what Authority or Justice your Company

should Calumniate others Sovereignties for no other Reason than their opposing the Execution of Foreign Acts (or what you'll please to call them) within their respective and jurisdictional Precincts; Nay, whether it was not an Invasion on the Sovereignty and Privileges of *England* and *Holland*, in your Commissioners or Deputies presuming to drain those Nations of their Treasure upon a private dark design, without pre-acquainting or asking leave of these Governments. Treasure is the Sinews of War, and all Governments have ever had an Eye to, and taken special care how and by what means Money was accumulated into one heap (unless it was by the Authority of some municipal Law) within their Dominion; and such practices have frequently been charg'd on certain Persons as presumptive Clauses to make up a Treason against the King or Government.

I say, if your Company had not sent their Projector and other Emissaries to *England*, and privately hook'd in a great many of its Subjects unawares into your Net, there had been less umbrage given to the Parliament, then sitting, to enquire into your Designs. Your Authors acknowledge that the King knew nothing of your Project till after it was put in execution. How should the *English* Parliament then know for what use you wanted their Treasure? Was it not enough to alarm both Houses to hear that *Paterfon* (an abortive and disgusted *English* Projector) had in a Week or Fortnights time Debauch'd several Unsuspecting Traders, and procur'd several Hundred Thousand Pounds of *English* Money? How should they know but that Money was design'd for *France* to assist the Enemy, or were they to take *Paterfon's* word that his design was honest? Pray turn the Tables, and recollect the late Passages in *Edenburgh* about three Weeks ago, when your Company Ship'd off that 8000 *l.* from the Bank on board the Ship *Speedwell* for *China*; you know that by your Company's indiscretion in carrying that Sum in six several Coaches from the Bank to *Leith* by way of Procession,  
you



you were in a fair way to lose it, by the Mob's rising and endeavouring to hinder such a Treasure's being carried out of the Land. Now if the Mob pretend to superintend your Company's Actions at home, will not you allow (if I may by comparison put such Scoundrels in the Scales with the greatest Court of Justice in the World ) the Parliament of *England* to enquire into the going of this Nations Treasure, without being afraid of your impeaching them of invading the Sovereignty of your Kingdom? Or admit your Design or Project to carry all the force of Equity you can arm it with, why must you be angry with *England* or *Holland* for their not accepting your proffer'd kindness? If either temerity, or ignorance of their true Interest overacted them, or if they had any reason to apprehend some Snake or other to lurk in the Grass by your assiduous and overabundant importunity to force a share of your misterious Benefits upon them, you can only reckon them dull and flegmatick Pettifoggers in Trade, who could neither see nor divine the Advantages they were to reap by it; and not that they trampled the solemn Laws of your Nation under foot by their refusal.

If King *James I.* from the Love he had to his Native Country, left no Stone unturn'd to bring the two Nations into an Union of Trade and Government, as well as of Crowns, and if his present Majesty hath at sundry times seconded the same endeavours, yet if those Gentlemen who represent the People of *England* don't see the benefit of it (more than their Forefathers did, either by it, or by Conquest) and apprehend more and greater difficulties to lie in the way than what's contained in one of the late insipid Essays \*, or in that of uniting the two *English India* Companies, do the Managers of your Company think to force it by the Artifice of their dark Project? Five or Six Hundred Thousand Pounds is a weighty Sum of Money to be carried at one stroke out of any Nation; and besides the King's loss of so much in his Customs, as the Sequestration

\* *Conamur tenues grandia.*

of this Sum from Trade would be, the employing such a Stock in a foreign Bottom, would not only cut the Throat of this Nations Trade, but would engage the several *English* and *Dutch* Proprietors to employ their own and their Friends Interests both in the Councils of *England* and *Holland*, so that nothing could be done to transverse it, as *Ferg* — in page . politically observes. — I am willing to refer it to the calm Thoughts of any of your Directors (in the interval of their Paroxysms) whether or no the Parliament of *England*, and Lords of *Amsterdam* ought not to have been Chronick'd if they had been passive in the matter, and suffer'd *Paterfon* to carry off so much of their Money upon his own Inventions.

Whilst I am upon this part of the Subject, I can't but admire how Men who look upwards, and pretend to Reason, should with such effrontery brow-beat the World, and after a peculiar and magisterial manner enforce their insipid and nauseous Notions upon People who have Reason to know the World full as well as they. The *Darien Defender* endeavouring to possess us with bug-bear Stories, says, page 28. *That the Dutch who seldom mistake their Interest, &c. and through the long continued Amity betwixt Scotland and Holland in their Religion and Church Discipline, would become the Companies Partners in America with little Courtship.* — It's very odd then that they should have so far mistaken their Interest as to order the Companies Books to be shut up at *Amsterdam* the next day after they were open'd.

At Christmas,  
Anno 1696.

Perhaps you may reply, That this was the effect of *English* Councils, as the *Enquirer* asserts, page 7. and unluckily forgets himself, page 18. where he wisheth that the *English* Opposition, upon due enquiry, mayn't be found to be the effect of *Dutch* Councils. And runs upon the same strain, page 20, and 21. tho' with more seditious and foolishly grounded Insinuations, as if the *English* Nation



Nation were in a fair way to be betray'd by those who ought not to do it.

The *Darien Defender* says further, page 29. That if the Dutch Assistance should fail, *its not impossible to obtain an Alliance and Naval Force from the Northern Crowns, it being well enough known that these Kingdoms abound with Men and Shipping, and that they would be glad to exchange these for the Gold and Silver of America, which they might easily carry from Town to Town, and from Market to Market without a Wheelbarrow, as they are obliged to do with their Copper, &c.*

Ferg—n in his Vindication runs upon the same strain, and goes yet further, page 192, and 193. and saies, *That if those who are chiefly concerned in Darien would throw themselves into the Arms of France, they would be sure of Marshalls Stuffs, Ducal Coronets, Pensions as their Forefathers had formerly, and what not.*—Ferg—n being a singular Man, I'll reserve him for a singular and separate Answer, to that and some other parts of his Doctrine; and only ask these Authors what the *English, Dutch, French, Swedes, or Danes* see in your Act, but what they can take or give to themselves, provided they like it, without joining Stocks with you? Any of these Nations are possess'd of more Ships, Money, and other requisite Materials to carry such a Project on than your Company: And you see that notwithstanding your Collony has left *Darien* near a twelve Month ago, yet none of these Nations make any way to snap it up; as your Authors seem much afraid on. Nay, if you have another mind to it, you may take it again.

But after all, my crusty Friend, why in such a Passion, because *England* and *Holland* don't understand *Paterfon's* Project, and will not join Stocks with your Company? Can't you go on with your own Money and keep all the profit to your selves? By the noise you have made over *England, Holland* and *Hamburgh* you insinuate, that altho' you have got a large Act and Patent for Trade, yet you want the  
Materials

Materials to carry it on; else you betray a kind of mistrust in the Legality of your Project by your taking such wonderful pains to preingage the Interests of several Nations to support you.— As for the first of these, will you force Money out of *English* and *Dutch* Pockets whether they will or no, and fall out with which of them you please, because they don't think fit to trust you with it? You may once more make use of your Authors kind Argument in Reply to this, *That it is a Token of your Integrity and Love when you frankly offer to take in this, that, the other, or all of them to be sharers with you.*— If any of these did not know how to go about such a thing without you, I think they ought to return you their Thanks at least; but if they should wave the thoughts of making your *African* Office at *Edenburgh* the Mart of *Europe*, and only ruminate how their Dividends should be paid, when it pleased God that any War happen'd betwixt your Nation and any of theirs, or how *Darien* should be shared in such a Conjunction; or what Ships should be Prize, or what not; would it not require some time to consider these *Præcognoscenda's*? I wish that Mr. *Pater-son* (now he's at leisure) would think of some Model of Government in such a case, for the further illustration of his Project, without making your Company the *Umpire* to decide the Quarrels of *Europe*.

As for the Second, was not the Faith of the *Scots* Parliament, besides that of his *Britannick* Majesty, enough to protect you from the Insults of any Nation in the World? The August Assembly of your Nation (who certainly have a true sense of the Parliament of *England's* Power, as likewise of the *Holland's* Government) have never as yet reflected upon the *English* or *Dutch* procedure, in obstructing your Subscriptions in their respective Dominions, knowing well that they were invested with Power enough to enlarge or restrain their Subjects Trade as they thought conducive to their Interest, and have as much power to make use of what legal  
Methods



Methods they judge convenient to preserve their Trade, as your Parliament has to advance yours. And this Doctor *Ferg — n*, your Vindicator, confesseth in his Preface in these words, *As the Parliament of England had power so to do, so they shew'd themselves prudential, in defeating that part of your Projection* (meaning the *English* Subscriptions.) Why should you be so cholerick then all of a sudden upon an Action which your Parliament never as yet thought unjust: Or do the Planets of this new Age influence your Measures, so as to think that an Invasion of your Liberty now, whereupon you could find no ground of Plea in the last? If so, it does not argue the Gentlemen of your *African* Company to be real Apathetick Philosophers.

The *Enquirer* and *Defender* of your Settlement complain likewise of a mighty Hardship, *That the Scotsmen in England were charg'd with no less than a High-Misdemeanour, who offer'd to sign in your Books.* I don't believe they were by the Votes distinguish'd from the Subjects of England, all Residents in this Nation (save Foreign Ministers and their Retinues) being reckon'd such, and equally under the Cognizance of the Parliament. If some *Scots* Natives, Residents and Subjects of this Kingdom, sign'd in your Books, and retracted the same again, I presume it was from a sense of their mistake; and, if I am not mistaken, they appear'd very penitent by the humble Petition they address'd the House of Lords with, which the only Man of that Category (who merits the Name of a Merchant, and had Money to spare) presented in a most humble manner. — Nevertheless, if those *Scots*-Men who sign'd had a mind to be Partners in your Stock, they had free leave to remove to *Scotland* with their All (as *Redpith* \* terms it) to share the Benefits of your Act, without any Lett or Molestation; but it seems they knew when they were well: And I'm positive that no *Scots* Native remov'd from *England*, notwithstanding the sincere Passion they pro-

\* *Your Country-man who writes the Flying-Post here, and who hath abus'd your Nation with so many Fictions of Caladonia.*

selfs to advance the Companies Interest, except one or two who sign'd 3000 *l.* more than they were worth, on purpose to get the fingering of the Relicts of *Smith's* Money, who when they merchandiz'd your Company out of as much as they could, deserted them, sneak'd off to *London* again, and under pretence of a Ballance due, have never as yet paid in a Farthing Subscription. It is not worth your while to make a noise on the account of these Blades; they may indeed assist you with their Prayers, but for any thing else you need not expect it from them.

The next thing you inveigh at in your Letter, is the opposition which this Government made to your Subscriptions at *Hamburgh*, which you place in the same invading Class with the other. I wish, Friend, there ha'n't been pains taken to possess you with a wrong Notion of this, as well as of the rest of your supposed Injuries. — I have taken some pains to inform my self of the Fact, and find it to be thus, which, if you have any Reason to know better, I shall be glad to be further enlightned by your next. — It seems *Mr. Paterson, Smith*, and two or three more Deputies of your Company had cultivated an Interest privately with some Burghers of *Hamburgh*, and had made some impression upon them, by explaining the Exemptions and Privileges granted to People of all Nations who had a mind to be concern'd in the Company's Stock; which I grant these Gentlemen might Legally do by the tenour of their Act, providing the Government of the Country either connived at or allowed it. In illustrating these glorious and uncommon Privileges, it was insinuated, that the King of *England* (or, if you will, the King of *Great Britain*) was not only obliged to protect the Companies Ships who traded to *Africa* and the *Indies*, but likewise those of any Nation to whom the Company should think fit to grant Commissions and Colours; and in case these were any way interrupted or damaged, his Majesty was oblig'd to employ the Royal Authority to do them Right, and that at the Publick Charge, which  
he



he was, by the same Act, to cause disburse for that Effect. Amongst other Advantages, the opportunities of underselling *Holland* and *England* for 21 Years, and of running the Richest of the *Asiatick* and *American* Goods over the *English* Border were laid down. This, to be short, had such influence on these Burghers (who were over-aw'd in those Trades by their Neighbours the *Hollanders*) that with the Umbrage of his *Britannick* Majesty's Protection they were ready to sign considerable Sums.

Sir *Paul Rycant*, the *English* Resident in that City, understanding the Measures that were taking, and he (as well as all the *English* Merchants there) being jealous of the Damages it might do to their Factory, according to the Duty of his Office inform'd the Government of *England* with the current Transactions; upon which it was found consistent with the Interest of this Nation to use their endeavours to support their Interest there, and to send their Resident the necessary Instructions. In pursuance of these, Sir *Paul* remonstrated to the Syndicks of *Hamburg*, that although his *Britannick* Majesty had been pleas'd to Authorize the *Scots* Company to Trade to *Africa* and the *Indies* for 21 Years Custom-free, by a large Act and Patent, wherein a Clause was included, empowering them to admit Foreigners to a lesser half of the Stock (whereby the Trade of *England* must suffer considerably, considering how impracticable it was to hinder them from running Goods over the *English* Border, and underselling their own Native Companies, whose Trade is loaded with Duties) and although the *English* Nation would not obstruct the *Scots* Company's Trade to the *Indies* upon their own Stock, and in their own Bottom, (by reason they were Fellow Subjects under one Sovereign) yet it was not to be expected that they would suffer themselves to be rival'd by the Subjects of Foreign Nations too, whose Interest was different from that of *Britain*.

*tain*, and tamely to suffer their Navy to protect *Dutch* or *Hamburg* Ships in their own wrong.

On the other hand he enumerated to them the rich Advantages which their City and Republick receiv'd by the Settlement of the *English* Staple there, to which the rise and encrease of their Trade, and the present figure they make in the World are principally due; and should they after all those friendly Offices (which have continu'd about 150 Years) throw dirt in *England*'s face, by associating and joining Stocks with a Company which so strenuously sets up to rival her Trade, and is not satisfied to do it by themselves, but must employ the Stocks and Ships of Foreign Nations, to carry that design on the more vigorously; it would (besides the Ingratitude of the Attempt) put *England* upon Measures to prevent *Hamburg*'s touching them in so sensible a part.

The Syndicks were satisfied with the Resident's Remonstrance, and told him they would not countenance the *Scots* Companies Deputies should these apply to them; but if some of their Burghers should sign or join with them privately they could not tell how to oppose it, it being likely to appear an Encroachment on their Liberties. The Deputies hearing of this Answer, were encouraged to drive it a little further, and not being satisfied with the Sums they might have got under-hand, must needs publish it by printed Placarts patch'd up on the Senate House, Exchange, and other publick Places of the City, appointing those who had an inclination to sign, to meet by a certain day at the *Commercie-Kamer*, where the Books were to lie open till a Sum not exceeding 200000 *l.* Sterling should be sign'd, the remainder of their design'd Capital being reserv'd for some other Friends\*.

\* To wit, Bremen, Lubeck, and Dantzick.

Sir *Paul Rycart*, upon this publick intimation, was resolved to know whether the *English* Interest, or that of the *Scots* Company, was most prevalent with the *Hamburgers*; and in pursuance thereof he with Mr. *Crescet*, the *Pinenburgh* Envoy,



Envoy, address'd the Senate by a Memorial, shewing their Magnificencies that notwithstanding in answer to former Addresses, they promised not to countenance the designs of the *Scots* Companies Deputies, yet these had the confidence to paste up their printed Placarts on the most publick Places of the City, which was to be presumed they would not have ventur'd to have done, without Encouragement from their Magnificent Lordships, wherefore they (the Ministers of *England*) desired that that publick Association with the *Scots* Company might be discourag'd, which they expected from their Magnificencies, as they tendred the Friendship of *England*, but withal to act with such discretion as to give his Majesty's *Scotch* Subjects no just Offence.

This is the material Substance of that Memorial, for which about three Years ago your Company would have nothing less, for a week or fortnight, than the Heads of those two *English* Ministers, besides some more of others about *Whitehall*; and whereof *Ferg—n* and the *Darien* Defender, page 30. refresheth their memory with the Examples of the great Earl of *Strafford* and Arch-Bishop *Laud*.—— Notwithstanding this and their passionate Heat in their Addresses to His Majesty, and to the *Scots* Parliament, *Anno* 1698, yet that High and Honourable Court (which weighs every thing in just Scales) did not express themselves in so resenting Terms in their Address (of *August* the 5th.) to His Majesty, but in very dutiful Words represented the obstruction which the *African* and *Indian* Company had met with in the Prosecution of their Trade, and particularly by a Memorial presented by His Majesty's Ministers to the Senate of *Hamburg*, wherefore they earnestly entreated and assuredly expected that His Majesty would take such Measures as might effectually vindicate the Rights and Privileges of the said Company, and that he would support the Credit and Interest thereof.

Here it's to be remark'd, that the Wisdom and Justice of

your Parliament did not reckon the opposition that was made to your Subscriptions in *England*, to encroach upon or invade the Sovereignty of your Kingdom, nay, nor that in *Hamburgh* did; but only Address'd his Majesty as King of *Scotland* to protect and vindicate the Companies Right, in prosecuting the *Hamburghers* Subscriptions.

In answer to this, as well as to former Addresses from the Company, His Majesty (though divided between an *English* and a *Scots* Interest) was pleas'd to send positive Orders to his Ministers at *Hamburgh* and *Pinenburgh*, that they might not make use of his Royal Name, directly or indirectly, in obstructing the *Scots* Companies Affairs.

This *Hamburgher* Opposition serv'd indeed to set the Male-content Spring in motion, and to inspire some Persons (whose Pores were adapted to receive the Doctrine) with a Notion that your solemn Laws and Liberties were directly violated and trampled upon, notwithstanding the honourable Constituents of your Parliament express'd no such sense of it: Neither would it as yet (were it calmly and accurately enquir'd into) merit the half of these Appellations you are pleas'd to give it, and notwithstanding all the pains your *Darien* Authors take to juggle His Majesty's Vitals within him, by distinguishing his Regal Office and Inclinations.

If *Rorie Mackenzie* (your little Secretary and Oracle) were not so furious in his Decisions, and if your Company had but the patience to consult the Practice of other Nations in relative cases, you would find that the *English*, *French*, *Dutch*, and *Danes* have made, and daily make, their several Interests in the Courts and Governments of *Siam*, the Great Mogul, *China* and *Japan* (the last whereof the *Hollanders* have wholly engrossed, to the exclusion of all other *Europeans*) and all this is done without being reckon'd a violation of either *English*, *French*, *Danish*, or *Dutch* solemn Laws or Liberties. You may likewise daily hear of the Opposition which the two *English East-India* Companies make to one another,



another, both abroad and at home, and yet neither of them reckon it a Violation or Invasion upon the *Sanction* of their *Acts* and *Charters*.

*Hamburg* is a third place insubordinate to either *English* or *Scotch* Government, where you have an equal Liberty with the *English* to advance or propagate your Interest. If an *English* Agent, Consul or Resident, who is maintain'd with *English* Money, and has a large Sallary allow'd him to support the Interest of the *English* Nation, hath more influence on that Senate than the Deputies of your Infant Company, who went thither with half their Errand; I mean, without carrying Credentials from His Majesty, or any thing else, save a bundle of *Dutch* and *French* Copies of your Act, and of the House of Commons Address (of the Year 1695) to His Majesty about it; which neither being certified by his Majesty, nor by any publick Seal of the *Scots* Nation, Sir *Paul Rycaut* (had they been offer'd to him) was not obliged to know. I say, if an *English* Minister residing, with that Character, at *Hamburg* has more influence on their Senate than your Deputies, who went thither with their Fingers in their Mouth, it affords no great matter of Astonishment, and the less, because that City has tasted more Sweets by the *English* Staple for 150 Years by past, than what your Company can probably offer or outbid.

Neither can you justly quarrel *England* for appearing thus for its separate Interest at *Hamburg*, more than *Henry* the Eighth could *Charles* the Fifth for the violent Opposition which that Emperor made at *Rome* to his Divorce from *Queen Catherine*, by threatening to pull *Clement* the Seventh by the Beard out of *Rome*, if ever he gave the Pontifical Assent to it. We don't find that King *Henry* ever quarrell'd the Emperor on that Head, whatever mends he took afterwards of the *Roman* Bishop. A Thousand such Examples might be instanc'd of Nations standing up for their Interests in third places, in opposition to one another, without being reckon'd

reckon'd Invasions upon one another's Sovereignities. I shall only refresh your Memory with the late Instance on the other side of the Water. The *States of Neufchattel*, you may remember, were lately menac'd by the *French Court*, and the Dutcheſs of *Nemours* was in a fair way to be shuffled out of her Right by the Prince of *Conti*, if his *Britannick Majesty* had not appear'd in it, by supporting them in their Allegiance, and that Princess in her Right, and yet you don't find that the *French King* complain'd of it as an Invasion of his Sovereignty or Right, by his *Britannick Majesty's* meddling in his Affairs.

Admit your Deputies had been vested with Credentials, nay, with all the power of a *Scots Resident* or Conservator, and if the *English Officers* in those Stations should have made a stronger impression upon the *Hamburgh Senate*, by dint of Interest, why will your Company kick against the Decrees of Heaven in saying, that it is Unjust, and not yield to Providence, which hath plac'd you nearer to the *North Pole*, whereby you move in a lesser Orb than the *English*. — If all your *Darien* Authors find themselves ashore here, and, like angry defeated Casuists, betake themselves to their last seditious Refuge, — to wit, *That this is the effect of the Union, and that it was the King of Scots who opposed the Hamburgh Subscriptions*. — I deny it. The King of *Scots* passed a large and glorious Act, indeed, in favour of your Company, wherein there was a Clause empowering you to take Foreign Subscriptions to a lesser half of your Capital; but it was the King of *England*, who, upon an humble Address from both Houses of Parliament (shewing the apparent Damages to the Trade of *England*, by the extent of the *Scots Act*) bid the *Hamburghers*, by his *English Ministers*, take care how they acted in an Affair which look'd with so encroaching a Face on the Trade of *England*, and Peace of *Britain*. — If the *Hamburgh Senate* had found it their Interest to reject Sir *Paul Rycant's* Remonstrances, and to have join'd Stocks,  
and



and proceeded in your Company's bottom, the English Nation would not have been angry with you, whatever they might be with the *Hamburgers*, more then *H.* the 8<sup>th</sup> could be with the Emperor, or *Lewis* the 14<sup>th</sup>. with *K. William* in the case of *Neufchâtel*. We don't find that the *K. of Scots*, nay, nor the *K. of England* (to use the *Darien* distinction for once) prohibited your Companies Agents, either at *Hamburg* or *Amsterdam*, to put that Clause of your Act in Execution, neither did he order them to shut up the Subscription Books in either of those places, nor did he command them home: if any of those things had been acted, then you might have been furnish't with some grounds to say that it was a Violation of your Solemn Laws, and invasion upon your properties, &c

If some designing Gentlemen will load this English opposition, with more than it will justly bear, and study to confound the Regal Office in his Majesties Person with seditious distinctions, and ill grounded Jealousies of his Affection to one Nation more than another, it lies at those Gentlemens door who had the chief hand in it. I must only take upon me to say, that nothing has appear'd hitherto in his Majesty's conduct to create such Suspicions. By his readiness to pass this very Act, it does not appear that his Affection was alienated from the *Scots* Nation, much less that he design'd a Convulsive Trap for himself. The Act was well design'd by the Representatives of the *Scots* Nation, and chearfully assented to by His Majesty; it contained a great many Benefits to make your Nation rich and powerful. And if the Governments of *England* and *Holland* had been endowed with more Money than they knew how to employ, and had permitted their Subjects to incorporate themselves and Stocks with your Company, it would have made *Scotland* in a very little time the best Mart in *Europe*; and *England's* Buckler, in defending the Sovereignty of the *British* Seas,

*Sequitur patrem  
sua proles.  
Else vid. the  
Continuer of  
Sir R. Baker,  
p. 422.*

Seas ; besides, giving Laws to the unmannerly *Dutch Doggers*, who yearly sweep those Fish from off your Coast which you won't be at the pains to take your selves. But if the *Dutch Nation* refused your kind Proffer, either upon Political or Flegmatick Reasons, and the *English* rather be at the Charge to maintain a Navy themselves for the defence of their Sea Dominions, your Company ought not to lose time, but to make the most of their own Money, and the native Product of their Country, and by all legal Means and Industry to raise themselves as fast as they can. — I say, by His Majesty's willing and chearful assent to any Act which your Parliament thought convenient either for the security of your Religion, as its presently professed, or the Subjects Civil Right, and what else might legally contribute to the Encouragement and Advancement of Trade, it evidently appears, that the Subjects of *Scotland* have the least reason to complain of the Royal Affections being monopoliz'd.

To pin the Basket of the *English* Opposition to your Company, you say, was their emitting Proclamations in the *West-Indies*, *Prohibiting his Majesty's English Subjects to assist your Collony at Darien with Men, Provisions, Arms, Ammunition, or any thing whatsoever ; his Majesty not being made acquainted with the Scots design of peopling Darien, and it being contrary to the Peace between his Majesty and his Allies.* — This you reckon to be the dead stroke given to your Company, and that the *English Nation* is justly chargeable with it, and consequently (according to this new way you have got of arguing) an Invasion upon the Sovereignty of your Nation.

Now to Answer this part of your Letter as concisely as may be, I hope, in the first place, you will be ruled by the literal and express words of your Act, which empowers you to settle on those Places (only) of *Asia, Africa, or America* with the Natives consent, to which Princes in Alliance or Amity with his Majesty have no Claim or Title of Propriety. Secondly, I hope you'll allow that your Sovereign is the true Judge



Judge on your side, whether your Collony has made an infraction upon the Treaties by the *Darien* Settlement, or no. If you allow these two to be true, then your mouth is stop'd from any further complaint.

Admit your Settlement to have been as legal as you assert it, I hope you'll allow the *English* Government the liberty either to make such Laws, or to issue out such Orders for the preservation of their Plantations, as your Nation or Company can do for the advancement of yours. You know that by the *Act of Navigation* no Foreigners can Trade to the *English* Plantations, nor any Goods carried to them but in English Bottoms. You may indeed carry Servants thither, or Provisions, but you are to take Money or Bills for these, and not suffer'd to bring off any Product of these Plantations. There's no greater bar upon your Liberty to Trade there now, than there was before you setl'd *Darien*; so that you can with no more Justice call it an Invasion on your Sovereignty now, than the several Parliaments of your Nation since the Union could do before.

But to wave the nicety of the Legal and undoubted Power which each Nation natively has in the disposal and management of her Plantations, let us come to the *Rationale* of the Thing, and by enquiring into both Parties Politicks, let any Man of Reason judge whether or no the English procedure in this *Article* can be reckon'd unfair ( in point of Equity ) much less Invasive upon the Sovereignty of another Nation.

As to the First part, whereby his Majesty prohibited his English Subjects to supply the *Darien Scots* with any thing, I presume, is from the sense his Majesty had of the Illegality of the *Settlement*, whereby he might clear himself to his Allie the Catholick King, and not involve *England* in an unnecessary War: Which is all that I shall say on that Head, besides telling you as *Ferg -- n* has already, That before ever your Company had receiv'd the Project, or heard of *Darien*, some Merchants of *England* propos'd the same thing to the

Lord's Justices of *England*, to the Council of Trade and to the King, and was rejected as Invasive on the King of *Spain's* *American* Territory, and contrary to the solemn Treaties betwixt their Crowns.—— To say, That the *Scots* are not oblig'd to know what is the *Spanish* Territory, or obliged to be ruled by Treaties whereby they received no benefit, — is a weak Defence, and needs no Answer.

As to the Second; *viz.* to your Company's or Collony's procedure, and to that of the English in their Plantations: Its very well known that your Collony secretly and industriously spread their Declarations over the Leeward Islands, and by the Interest you made in *New-England*, had them printed at *Boston*. The design of them (to speak with-

Vid. Declaration in the Enquirer, p. 69.

in bounds) was to invite Men of all Nations and Religions (providing they owned One God, and kept the Sabbath) to come over to *Caledonia* in *Darien*, a free Port and Corporation, wherein all who join'd them should have equal Privileges with themselves. *Jamaica* being the next Island, was the first acquainted with the Tidings, and the looser kind of People there having a native itch at the *Spanish* Dollars (which nothing but the Treaties betwixt their *Britannick* and *Catholick* Majesties had power to keep them from) were in a rupture to hear that his Majesty had given any Body of People a Commission to settle in such a place as *Darien*, and the Centre of the *Spanish* Country, which they were satisfied that Nation would never permit; all Species of People (who had no Land Remora's to stay them) were equipping in order to transport themselves over, to share the *Spanish* Spoil. While these Preparations were making, the English Proclamations seasonably arrived at *Jamaica*, and in the other Islands to undeceive them. Notwithstanding which, several stole off the Island and went over, but these soon perceiving the *Caledonian* Infirmary, through their want of Provisions, were quickly weary, and blest themselves when they found an opportunity to sneak off again.

To



To this you may be apt to say, *That your Collony was sufficient y arm'd with the Company's power to emit what Declarations they thought conducive to their Interest* ; which I shall not deny whilst those Declarations were kept within your Collony's Dominion, but to publish or disperse them in the Plantations of another Nation, without that Governments leave, with a design to drain them of their People (who are the Life of the *American* Collonies) is an act by the Law of Nations unwarrantable, and the dispersers of such are liable to be stigmatiz'd. That this was the proper Fact and Deed of your Collony, is too well known to be denied, and that you wanted and expected Auxiliaries for those spare Buccaneer Pieces and Pistols (wherewith your Collony durst not trust the *Indians*) is too evident to be minc'd. Wherefore I am willing to refer it to your self, had the *English* case been your Company's, whether or no you would have taken all the precautionary Measures possible to have secured your Collonies or Plantations.

But still, it's the greatest Injustice in the World, for your Company to shift the miscarriage from off your selves, and fasten it upon the *English* Government. If your Managers had not laid down infallible Measures to make it miscarry, why did they send a Thousand and odd Men abroad to a Desert or Wilderness (which scarce produceth so many Roots, Fruits, or Grains of Corn as serve to keep the Souls and Bodies of the Natives together) with only five Months and a half Provisions? I know your *Enquirer* avers, that twelve Months Provisions were sent. — Now the contrary is demonstrable by your Collonies quitting their *Settlement* in the eleventh Month, with only three Weeks Provisions left, notwithstanding they were supplied with 4 Sloops laden with Provisions from *Jamaica* (to wit, of *Pilkinton*, *Sands* twice, and *Carver*) and a Brigantine from *New-England*, besides what was saved of these Provisions by 200 and odd Turtle, of 2 or 300 weight a-piece, which *Sands* and *Pilkinton* fish'd  
for

for them, as likewise by the Death and Desertion of about 150 Men, besides those of *Pincarton's* Crew who were Prisoners at *Carthagera*. By this its plain, that *Harris* his Account was right; and every one who comes home agrees that it was through his means only the shortness of Provisions was suspected and enquir'd into, and by him calculated before your Fleet was gone 4 days from *Kircaldie* Road, and thereby the Fleet order'd to so sharp Allowance, as to prolong the 5 months and a half to 9. You know that they were above 15 Weeks on their passage (by the Orders your private Committee had given them to stop at *Madera* and *Crabb* Island, to do *Nothing* :) And if they had not been reduc'd to this Allowance, they could not have staid so long on *Darien*, as to let the *Jamaica* Men hear of them, since 7 Weeks Provision would have been their utmost stock at their Landing; and consequently, you would have been disappointed of this part of your Project, in making the English Proclamations your Grievance, &c.

I say, by the very first step of your Management you had decreed it to miscarry, or by putting your People upon a necessity of seeking and taking Sustenance where-ever they could find it, to set them in a way to understand your meaning. At their departure your Managers promis'd that Vessels with Provisions should be with them by *Christmas* or *New-years* tide, and you know that it was the latter end of *August* (and full two months after your first Settlement was flown) before they arriv'd in *Darien*. You may perhaps, in Answer to this, say, That the Cargoe you sent out was sufficient to have subsisted them, had they found a Market, or if the *Dolphin* had not miscarried at *Carthagera*. You know as well as I, that the Cargo was improper for a *West-India* Trade (it being taken up from all sorts of Tradesmen and Artificers of your Kingdom in lieu of their Subscriptions) and that several Sloops who had carried Provisions from *Jamaica* to *Darien* return'd without breaking bulk by reason  
they



they could find no Marketable Goods to take in truck, except the spare small Arms, which could not be parted with. You know very well that the *Boston* Brigantine, rather than take your Goods, run the hazard of the Collonies Bills upon the Company, which were paid here at *London*, in *August* 1699.

It's known there has been abundance of pains taken to propagate the Notion of the Collonies being starv'd by the English Proclamations (the better to prepare the way for another, *That Scotland can never expect to prosper whilst its under the same Head with Eng'land*) though all those who come hither, whether from *Darien* or the *English* Plantations, declare the contrary, and averr, That had the Collony been provided with either Money, Bills or Merchantable Goods it was impossible the English Proclamations could have hinder'd the *West Indians* from supplying them.

One remarkable and convincing Instance of your Managers design to fasten the *Darien* Miscarriage, *fas aut nefas*, on the back of *Old England*, I'll give you in the following Narrative, which can be justified by invincible Circumstances and Proofs; — In *January* last when Captain *Macleane* (who commanded the Ship *St. Andrew* after *Pennicook's* and *Campbell's* Death) with one Captain *Forbes*, Commandant of the four Companies who made the second Expedition to *Darien*, as aforesaid, arrived here from *Jamaica*, went forthwith to the two *Scots* Secretaries of State, to give them an account of their first and second Disasters; the first being occasioned by their want of Provisions and the Spanish Preparations against them, and the other by Skipper *Jamison's* Vessel being burnt (by some *Brandy's* taking fire, as the Skipper said) wherein was their six months store for the 300 Men they carried over. Both the Secretaries askt these Gentlemen if they thought the English Proclamations were the occasion of their wanting Provisions, to which they answer'd *Nega-*

rive. My Lord *Seafield* told them that one *Harris* (who had been with them in their first Expedition to *Darien*) had written a Book against the Company's Management, and the *Darien* Project, which he recommended to them to peruse, and give their Opinion of it. To which they answer'd, that they had met with it on the Road from *Deal*, and had read it. *Forbes*, not being in the first Expedition, was not so qualified to judge of it as the other, but by the Journals he had seen of some Captains of that Expeditions hand-writing (who were dead) he believed the *Darien* Narrative to be true. *Maclean* answered, *That as for the Companies Management in Holland and Hamburgh, it was before the time of his engaging in their Service, but as to the Darien part of it, he would take the Sacrament on the truth of it.* Whilst these Gentlemen were at my Lord *Carmichael's* Lodging, some of the Companies Agents having notice, came thither, and would not part with them till they should see a certain Man of Quality newly arrived at *London* with the Scots Address (as it was term'd) to his Majesty. These Gentlemen accordingly waited on him, and having given him the same account, they were told, *That they must alter their Story, else it would confirm what Harris had said, and break all the Measures they had taken to fasten the Colonies Miscarriage upon the English Proclamations; and this they must do for the Honour of the ancient Kingdom.* They replied, *That should they tell it otherwise, the contrary would be made appear by every one who came from Jamaica, whether English or Scots.* Pains was taken on them to go immediately to *Scotland*, for should it be known they were in *London*, they would be call'd before the English Secretaries of State and examin'd. They answer'd, *That they could not go till the Ship, wherein their Baggage was, came round from the Downes.* Then they were desired to keep close, and if the English Secretaries should send for them, to avoid it. During 3 or 4 days this Man of Quality either plied *Maclean* by himself or others to alter his Story, (as for

*Forbes*



*Forbes* he was not so material a Man for their purpose, by reason he was not in the first expedition, and only staid about Three Weeks with his Men at *Darien*) but to no purpose, and at last being importun'd by several Messages, sent him word in short and *Highland* terms, that he would not be seduc'd to tell such an untruth for the best Lord in *Christendom*: and so beg'd, that he would not importune him any more on that Head.

In the mean time, one Lieutenant *Stuart* and another *Sraitton*, who came over in the same Ship, Arriv'd in Town. These the Companies Agents fastn'd, coop'd them up close, and would not suffer them to see any Body (nay, not *Maclean* nor *Forbes*) till having taught them their Lesson, they sent them fairly out of Town for *Edinburgh*, to counterballance the other two; tho' their evidence does not signifie a Button to the matter in hand, by reason these were of the second expedition, and were not capable of vouching whether the *English* Proclamations starv'd the Colony or no. — But if they could be of use to serve the Companies Interest, why did not the Man of Quality introduce them, or cause them to be introduc'd to his Majesty, to justify what the Company advanc'd, which besides a show of Candour and Fairness, would have been very important at that Instant. But these Raw Youths, being but indifferently grounded in their Principles, it was rather thought convenient to send them to the Companies College, where they would be better instructed and improved in their Knowledge.

As for *Maclean*, since he could not be wrought upon fairly, there was another Method taken. The Man of Quality dissembl'd his indignation for a day or two, till he perswaded *Maclean* to show him his Accompts of Disbursements at *Jamaica*, towards Victualling the *St. Andrew's* Men, &c. *Maclean* not suspecting any thing, innocently gave him the Accompt, where on one side he charg'd himself with 650*l.* of

of the Companies Money, which he had receiv'd from Mr. *Jenkins* the Naval Officer in *Jamaica*, and on the contrary page show'd how he had disburs'd it, with Vouchers, and *per* Ballance brought the Company in Debtor.

*Maclean* was desired to sign his Account, which he did with as much simplicity as he show'd it, being told that care should be taken to transmit it to the Company. — Next day he was Arrested at the Company's instance in an Action of 650*l.* The design of this Project was twofold; first, his being in a strange Country and without Money, it was thought he could not find Bail, and rather than go to Prison he might be brought to terms. The second was absolutely necessary if the first fail'd, for by the News being spread over *Scotland* that he was Arrested and in Prison in *London* for a great Sum (whereof he had cheated the Company) his Reputation would be thereby ruin'd, and consequently no Credit given to any thing he should say. Nay, this Stratagem succeeded so well, that you know it to be still currently believ'd in *Scotland* that he has 4000*l.* of the Company's Money; tho', if the truth were known, the poor Gentlemen cannot command 5*l.* in the World, but is oblig'd to some old Friends here for his Subsistence. As for the 650*l.* Action, after the Company's Agents had made him spend some Money in *Chancery-Lane* to find out his Prosecutor, and Cause of Action, he was at last discharged by the Lord Chief Justice *Holt*, no Person appearing with any reasonable Plea against him. — Thus you see that your Arch-Managers stickle at nothing to propagate their Story, and to advance their Designs: Which I should be unwilling to instance here in so plain terms *ad hominem*, if the unfair measures these Gentlemen are taking to misrepresent *England's* procedure, as well as that of your *Caledonian* Collony, to the honourable Gentlemen who represent the People of your Nation, were not of dangerous consequence not only to your Company's Affairs, but to the Peace of the Nation.

But



But after all, why should you charge the *English* with the Miscarriage of your Collony, since all the part they acted in it was in not acting at all, which is as much as to say, that it was for want of *English* Assistance your Collony quitted *Darien*? Pray, what did you gather from the *English* Opposition to your Subscriptions in *Europe*, to depend upon their Assistance in *America*, where you were so vigorously setting up to rival her Trade, and depopulate her Plantations by your clandestine Declarations? Why did you after 3 Years Preparations leave it to any thing but Fate to crush your Project? Or what did you see in the Parliament of *England's* Address (of the Year 1695) to his Majesty, to leave the Success or Miscarriage of your Project to the disposal of an *English* American Governor, who is accountable to this Nation for what he does, especially in an Affair which might have involv'd *England* in an unnecessary War with *Spain*? It appears to be but an indifferently manag'd part of the Project, what ever it might be of the *Intrigue*, neither do I know what it smells most on.

So much then for these three Articles of the *English* Procedure, which I hope will be sufficient to convince you that in the first and last they acted nothing but what they might legally do in their own Dominions, and in the second at *Hamburg* they only stood up in support of their own Interest (which by the daily practice of all Nations is legal) and if Sir Paul Rycant in his Memorial call'd *Paterfon, Smith*, and the other three Deputies of your Company, private Subjects, who had no Credentials from his Majesty for what they did, was because these Projectors went to *Hamburg* without their Errand, and had nothing to show from either King or Nation of *Scotland* to support their Character, but a bundle of *French* and *Dutch* Copies of the Act, which neither Sir Paul nor the *Hamburg* Senate were obliged to know. So that if the Interest of one or two of your Arch-Managers be so prevailing with your Company, as to hook you so far into their In-

F

trigue,

trigue, and make you join with them in misrepresenting the English procedure to your High Court of Parliament, as an invasion on the Independancy and Sovereignty of your Kingdom, it is not to be believed that that great and high Court of Justice and Honour will proceed to such a Determination, unless by the Artifice of the foresaid Arch-Managers, their *Darien* Evidences should vouch more of the *English* Proceedings than what's true.

The next thing I come to is (since nothing can be relied on what the Writing Supporters of your Company say of your Project) is to enquire into your Collonies procedure at *Darien*, and thereby try what may honestly be gathered out of it; to know what *England*, *Holland*, and the *Hans Towns* had to trust to, should they have intangled their Interest or Money with yours.

Your Men having landed on *Darien* in the beginning of *November* 1698, on a Peninsula (about two miles and half long, with a Lagoon on the inside of it fit to hold some hundred sail of Ships) in the Centre of the Spanish Dominions, having the Cities of *Carthagena* and *Portobello* on each hand, *Panama* and *Sancta Maria* at their back, and the Garrison of *Tubacanti* about 7 Leagues \* distant, began to fortifie the extream sandy point of the Peninsula (which contained about 30 or 40 Acres of Ground, and fronted the Harbours mouth, which was above a mile over) by making a Ditch to bring the Sea round them, and a Breast-work of such brittle Earth as that Country affords, and Stakes, to defend them against the *Spaniards*, who they were inform'd by the *Indians* would not suffer them to sit peaceably there. These poor Men who were design'd for Souldiers or Planters, finding themselves mistaken in their golden Hopes, and no appearance of any thing but felling huge Trees, and very shrimp allowance of Victuals (and those very bad) soon

\* Harris says 11 or 12, but by the report of those who are come home since, and have trod the ground, it is not 7 in a streight Line.

wearied.



wearied of the Enterprize; and before they were a full month upon the Place, several deserted, some by Land towards the *Spaniards*, and others lurk'd in the Woods till they had an opportunity to transport themselves by Water to *Jaimaca*.

These nightly Desertions, it seems, oblig'd the Council of the Collony to keep them in heart by telling that it would not be long e'er they should be provided with better Quarters, and that the *Spaniards* at *Carthagena* and *Panama* were making preparations to attack them. This serv'd for some time to animate the People, and make them work vigorously on their Breast-work and Platform, or Sconce call'd *Fort St. Andrew* (which they mounted with 16 Guns, tho' the longest and best in *Europe* could not defend the Harbours Mouth, it was so wide) and this serv'd to divert them for the first two months. About *Christmas* there was a noise spread that the *Spaniards* were marching to attack them, which prov'd a mistake, and only serv'd to fill all the Packets which came thence the 28th. of *December* for *Europe* with the Golden Booty every one expected by the *Spaniards* making a breach of the Peace, which by these Letters they all greedily long'd for, as if they had little else to depend upon.

This News evaporating again in the month of *January*, it was thought needful to keep up the Mens Spirits with a device the Council had to decoy the *Spaniards* into a breach of the Peace (as they call it) by sending one of the Ships Long-boats with the Company's Colours along the shore to the next *Spanish* Creek or Port, and by plying along their Harbours mouth, and keeping such a distance as not to be taken, to demand Wood and Water, and if the *Spaniards* offer'd any Violence either by firing at them or otherwise, they were to receive it, and fly to the Collony, and thereupon the breach of Peace was to be founded. In the mean time it was determin'd that the *Dolphin* Tender (a Vessel about 50 or 60 Tons) should be dispatch'd to the Windward Islands, in order to disperse the Collonies Declarations amongst the

*Englisb*

*Englsh* and *French*, and do some other Business under pretence of demanding Wood and Water at each of those Islands ; and in their way thither to dispose of a Cargo (which was sorted and fitted up for them) amongst the *Spaniards* to Windward of *Carthagena*.

The Councils forelaid Device was not put in practice, by reason they were inform'd that a fairer Opportunity offer'd ; which was this, on the 4<sup>th</sup>. of *February* they were told by some of their *Indian* Friends, that some *Spaniards*, to the number of 26, had employed them to conduct them to some advantageous Place, whence they could see the *Scots* Colony. An extraordinary Council being call'd, the resolve thereof was, That Capt. *Montgomerie* (Prefes for the Week) should with an 100 select Men go under the guide of those *Indians* in quest of the *Spaniards*. This Order was forthwith put in Execution ; and after that Party had spent some part of two days and a night in the search, found them lodg'd on the Bank of a small River which was fordable. So soon as the *Indians* espied them they gave a shout, and pointed to your *Caledonians* where they lay, at which your People taking the alarm, were without either order or form going to attack them with Sword in hand, when a discreet old Officer bid them halt, and not be so precipitate, lest the *Indians* design should prove a *Spanish* decoy ; but another, more zealous, drew a Pistol from off his Belt, telling him, that if he offer'd to play such another Trick there as he did in *Flanders*, he would shoot him thro' the Head ; at which they rush'd into the River upon the attack, and were received by a volley of the *Spaniards* Shot, whereby 3 of your Men were killed, and 14 wounded. The *Spaniards* not being able to resist so unequal a force, threw down their Arms, and made the best of their way towards *Tubaconti*, to the Walls whereof they were pursued so near that some of your Men lost themselves, and never recover'd their way again till they were in the Heart of some *Spanish* Garrisons.

You



You know that this Scuffle was the first Interview or Communication, directly or indirectly, between your Collony and the *Spaniards*, and hereupon your *Caledonian* Council judg'd it sufficient to found the breach of Peace; which with the News, that arriv'd in a week afterwards, of Counsellor *Pincarton's* Disaster at *Carthagera*, confirm'd them fully in the Justice of their Warlike Resolves: Whereupon Commissions of *Reprisal* were instantly issu'd out to *Ephraim Pilkinton* and — *Sands*, Masters of those *Jamaica* Sloops ( which Turtl'd for your Collony ) by vertue whereof they rang'd along the *Teleu*, *Carthagera* and *Portobello* Ports, snapping up every *Spanish* thing that came in their way, whether Shallops, *Periaga's*, *Barcalonga's*, or Fisherboats, and sometimes shar'd 2 or 300 Pieces of Eight a Man (tho' little thereof came into your Collony's Treasury); nay, in convenient places they landed (particularly at *Teleu*) and plunder'd the Fishing Villages of their Tackling: And are at this very time, by vertue of the same Commissions, join'd with other *Buccaneers* (under your Colours and Umbrage) ranging along the *Cuba* Shore, and plundering all Vessels passing too and again from the *Havana*.

An indifferent way of wosing the *Spaniards* into a humour of Trade.

Rear Admiral Bembo has an authentick Copy of *Pilkinton's* Commission.

This *Tubaconti* Scuffle, and the Detention of the *Dolphin's* Crew at *Carthagera* being the only ground of your Quarrel and Reprisals, I'll crave leave to dive a little into it, and try what relation it bore to your Project, and afterwards enquire into the Justice of it.

That I may give *Paterfon* fair play herein, I'll believe that an *East-India* and *China* Trade ( by the short way of this *Isthmus* ) was one part of the Project, and by making *Caledonia* a Free Port and Mart, a private Trade with the *Spaniards* and other *European* Plantations was the other; (as for the Gold Mines and Diamonds, I'll suppose him so honest that it was only given out as a blind.) Now admitting your *Settle-*

ment on that Peninsula to have been legal, it was impossible for *Paterfon* to carry on this Trade till once he were Master of the Road and Country over to the Southside of the *Isthmus* (as also of *Tubaconti* which lay in the way, *Sancta Maria* or *Panama*, with all the smaller places on the South-Sea Shore, which are in immediate actual Possession and Occupation of the *Spaniards*) neither could any of those be obtain'd unless by picking a quarrel with them he wrested so much of their Country out of their hands as he thought necessary for his purpose; and thus by the terrour and force of Long Buccaneer Pieces to hector them into a compliance of Trade. — That an *East-India* Trade and a *Spanish* one were the groundwork of his Project (as by the *Caledonian* Declarations, and his Eminency's Letter to *Boston* appears) there's no room left to doubt; and that either of these were impracticable without the dint and awe of Arms, I believe no Man who knows any thing of *America* will question.

If you should allege that these are only *Chimera's* and groundless Suppositions of my own Brain, and that *Paterfon* did not go to *Darien* with a premeditated design to pick a quarrel with the *Spaniards*, I shall only desire you'll please to solve the following *Postulatum's*, and bring all the *Artificial* or *Inartificial* Arguments, that either *Ferg* — or *Paterfon* can furnish you with to help you out. First, What occasion had you to hook the Interest of several Nations into your Project? 2d. After you had got so large an Act, with the King and Parliament of *Scotland* to stand by and protect you from all Injuries, what occasion had you to throw away near 70000 *l.* upon such huge and warlike Ships and Naval Stores, when so many Fly-boats, of quarter the Charge, and fitter either for Transporting Men, Provisions, Goods or Materials for a Collony, would have answer'd an honest end? 3dly, What did you mean by carrying over almost three times as many Fire-Arms as Men, with Ammunition in proportion? It could not be for a Market, because your Collony refused



refus'd to dispose of any of these, tho' they were at the point of Starving. 4thly, What did you mean by dispersing your Declarations clandestinely over the English and French Plantations? It could not be to invite them to Trade with you, because you had as good as nothing to sell. 5thly, For what end did you want Men from the English and French Colonies? Was it to sell Trees and clear Ground? These had enough at home; Besides, that was a work fit for Negroes and other Servants, and not for Men who were not used to wield the Hoe. 6thly, Why were you incens'd at the *English* Proclamations (if it was not on the score of this Disappointment) since in spite of them, several Sloops brought you more Provisions than your Collony could purchase? All *Europeans* who have settl'd Plantations in *America* hitherto have taken care and guarded against Foreigners being concern'd in them (except those few *Vagi* upon *St. Thomas's*;) and you are angry, because no Body will join with you, and share your Gains. 7thly, If the *Spaniards* had affronted you by endeavouring to peep at your Collony, or admit they had attack'd you on that which you reckon'd your own Ground, and killed you 2 or 3 Men, what damage could you pretend to seek Reprisal? Could you not have hang'd *Don Domingo de la Rada*, and the other *Spanish* Prisoners you took, for your Reprisal? Or must nothing less than *Portobello*, *Sancta Maria* and *Panama* satisfy you? Though his Majesty and the Parliament empower'd you by a Clause of your Act, to make Reprisal in cases of Injuries done to you, yet by the Treaties betwixt *Great Britain* and *Spain* (to which all municipal Acts owe a subordinate deference) you were not at your own hand immediately to do it, but to demand Satisfaction in a fair way; and in case Justice were deny'd, or unreasonably delay'd, then you had liberty to take as much by force as in equity was the equivalent of your Damage. Perhaps you'll say, That the making Prize of the *Dolphin's* Cargo, which stranded at *Carthagena*, and detention of one

of.

of your Counsellors, was a good Plea for more Reprisal than any of your Substitutes have as yet made, — At the same rate there mayn't be enough in the *Havana* for you. I must put you in mind, that although you have the power of Reprisals, with the foresaid Limitations, yet you have no power to make War upon any *European* Prince his Majesty's Allie, nor to enter into any offensive or defensive Leagues with *Indian* Princes (as you call them) against any of these. Your power is only to enter into and conclude Treaties of Commerce with Governors of Provinces, Islands, &c. within the Verge of *Asia*, *Africa*, or *America*; and if the Deputies of your Company transgress these Rules, they are answerable for it to his Majesty, as he is for any of these Breaches to the Princes in Alliance with him. But still if the Condemnation of the *Dolphin's* Cargo will appear to be Legal, as also the Detention of her Crew justifiable, what ground will you have then for these Reprisals already made, or for demanding satisfaction from the Cartholick King, as you seem to insinuate? You know that after the *Tubaconti* Scuffle on the 6th. of *February* 169 $\frac{1}{2}$ , the *Spaniards* were altogether passive, and offer'd no kind of Hostility till *March* 1700, when the Governor of *Carthagena* came before your Port and desired you to remove, which *Fort St. Andrew* did at the first angry word without firing a Gun, and gave him up the *Indian* \* Princes to boot, both Temporal and Spiritual, as the *Defender* terms them.

\* These Indians being Impail'd alive for the Service they had done you at *Tubaconti*.

But to return to the Project again, and allow what is drawn from the Collony's procecdure to be *Paterfon's Arcanum*, I must own that he was in the right to engage the Money, and consequently the Interests of what Nations he could, to support a bold Enterprize which no single Nation in *Europe* would have adventur'd on: And since this failed him (rather than let his Project perish) to invite all kinds of *Buccaneers* and loose Refugees to join him by such modest  
Decla-



Declarations as carried a *meaning* in them. — But as no transitory things are certain, so it was your Projector's misfortune to be baulk'd in both, first by the *European* Opposition, and secondly by the *English* Prohibitions arriving unseasonably in *America* to encounter his Declarations. And (to add the greatest misfortune of all) the shortness of your Provisions, which laid him and the Council under a necessity not to wait till the *Spaniards* were ready to attack their Collony in form, but to lay hold on the first opportunity and occasion (how lame soever) to found a Breach upon.

As he was once  
before in much  
such another  
Project, on the  
Isle of New  
Providence.

Now that neither the *Tubaconti* Scuffle, nor the *Carthagena* Detention, were sufficient Causes to ground a Quarrel and Reprisals upon, I shall demonstrate by what I have to offer.

*First*, When you landed on *Darien*, it's to be presumed, you were Friends with all the World; you came thither partly to plant the Gospel, and partly to Trade. *2dly*, By your Declarations, dated *December 28. 1698* (near 6 Weeks before the *Tubaconti* Business) the people of all Nations, who did not blaspheme the Name of God, nor prophaned the Sabbath, were invited to your Collony, where they should be as Free as your selves. The *Spaniards* were no way excepted; they were your next Neighbours, and if 26 of these were coming towards you, either with a design to carry on a private Trade, or (to say the worst on't) to view your Collony; by vertue of what Authority or Justice could you hinder them, since they had never previously either affronted or offer'd you any Hostility? Or if you were afraid of them, why would not you have patience till they came and attack'd you, and not by one precipitate stroke forestall your Market, and put your selves for ever in the Wrong? Twenty six *Spaniards*, sure, could not have conquer'd you, and if you repuls'd them you would have had a fair shew

H

of

of a quarrel. — But to leave your *Settlement*, and night and day to hunt for a handful of Men, (whose Nation had never offer'd you any offence, much less an hostile Act) over Woods, whose ground none of your Collony ever previously trode, and to attack them in their Quarters (though it had not been so near their Garrison) which by the very same Title, whereby you and your Clerks claim a Right to your *Settlement*, they were legally Masters of, will by the *Sentence* of your own Mouth, and by the Judgment of all the World be reckoned an Invasion, Assault, and Act of Hostility committed upon the Spaniards.

*These Spaniards being in Possession of a Vacuum, and having Per-  
not here'd more  
nights than one  
on the place.*

I come next to enquire into the Justice of the second Part of your *Plea*, to wit, the *Dolphin* and her Crew's Detention at *Carthage*; which you allege to be contrary to the 10th and 11th Articles of the *Madrid Treaty*, Anno 1670. *By the Spaniards detaining Scots or English as Prisoners, who are forc'd ashore by the Violence of a Storm or Shipwrack.* And by the 14th. Article ditto, *Which forbids Reprisals, except in case of denying or unreasonably delaying Justice.*

One Story (they say) always stands good till another is heard. And it seems your Company have secur'd some of those who are return'd from *Carthage* to tell the Story your way, and by your predomining Power have clinch'd the Tongues of others to the Roof of their Mouths, either by defaming and stifling the Credit of those who are not in your power, and threatening such as are, and enclined to speak the Truth, with publick Punishments; this appears by what you write in the Tail of your *Letter*, and that you design to Address the Parliament that such may be punish'd who unwarrantably deserted your Collony. Your three Counsellors Major *Cunningham*, Capt. *Montgomrie*, and Mr. *Jollie* must stand clear then (or be lou'd at least); as for *Harris*, he had an honourable Discharge and Certificate sign'd by the



the *Caledonian* Council, with the Collony's Great Seal affixed to it, by vertue whereof he recover'd his Wages in Doctors Commons. Your Complaint may indeed be admitted, but it does not consist with the Justice and honour of so high a Court to punish men for leaving the Service of Merchants, when they were only Volunteer's without any kind of Pay, and finding themselves frustrate of their expectation, (besides seeing nothing before them but Famine and Death, and not approving the Measures your Projector was taking) took care of themselves.

*No Person in the expedition, being under Pay, except the Sea-faring Men.*

It's true, the Honourable Gentlemen who represent the People of your Nation, as none of them were ever in *Darien*, (and have no particular account of that Country, or of the Catholick Kings propriety in it, that can be depended on, besides the Sense his Majesty has of it) the Oaths and Evidence of such of your People, who have been there, is the greatest Light they have at present to direct their Judgment. And if that Honourable Court, acts according to those Informations and Depositions (none to the contrary appearing against them) the World would wrong them, should they entertain any unjust thoughts of them: Therefore it lies at your Door, Gentlemen of the Company, if through your Arts that Great Assembly is inform'd of more than what's Real.

That the Managers of your Company, take more than ordinary pains in this (I don't mean such of you as sit in that Honourable House, by Reason I am confident that you no sooner enter those Walls, than you leave interest and partiality at the Door, and Cloath your selves wholly with Justice) is evident by the whole Threed of their procedure. 1. In their endeavouring *vis & modis* to fasten the miscarriage upon the Shoulders of *England*, and thereby to kindle Jealousies and Animosities between his Majesties good Subjects of both Nations. 2. By their delaying to pay those few  
Men

Men (your Sea-faring Servants) who have above a Year return'd from *Darien*, thereby to keep their Tongues in awe. 3. By the means they have used, and are still using, to invalidate and crush the evidence of those who differ from their Story, and tell matter of Fact. 4. By their carressing and giving hopes of reward to Vouchers on their side, and frightening the Tongues of others into a Palsie, who seem inclin'd to differ from the former.

A particular instance of this, is visible to the World in *Pincarton's* Case, and the other *Orkney* Fellow.—— *Graham*, Masters Mate of the *Dolphin*, who you say are ready to give it under their Hands, that thro' Stress of Weather they were forced into *Carthagera*; that they were condemn'd to Death, in *Spain* for no other Reason, than their Sailing beyond the *Canaries* without the Catholick King's Leave, and that the Justiciary Court at *Sivil* denounc'd the D. of *Hamilton*, the Marq. of *Tueddale*, and the Earl of *Pannure* to have Forfeited their Estates, and that the Subjects of *Spain*, may Legally seek and make reprisal upon any of these.

Because you averr that *Pincarton* and the *Mate*, are ready to give this under their Hands, and stand by it: I will not contradict you, but must tell you what I, as well as several other Persons here, heard from *Pincarton's* own Mouth about Three Months ago, when he arriv'd from *Spain*, as likewise from *John Malloch* Commander of the *Dolphin*, and from—— *Livingston* the Chyrurgion of her, who as yet have gone no further than *London*, to crave their Wages and Vouch.

About the latter end of *January*, the *Dolphin Tender* (a Vessel of 12 Guns, *John Malloch* Commander, and Counsellor *Ro. Pincarton* Super. Cargoe) Sailed from the Collony with a design to touch at *Rio-la-hache* and *St. Martha*, *Spanish* Ports, to *Windward* of *Carthagera* in order to dispose of their Cargoe; and thence to *Barbadoes* and other *English* and *French* Islands, where under the pretence of craving leave



to Wood and Water, they were to disperse their Declarations, and do some other business for the Collony. Having got about 16 or 18 Leagues to *Windward* of *Carthagena* their Vessel prov'd Leaky, which oblig'd them to turn Tail, and bear up for *Caledonia* again. As they had past *Point Canon*, (in their return) and open'd the Bay, and City of *Carthagena*, they spy'd a Sail betwixt them and the Shore, and intending to speak with her, while they stood in towards her, they struck upon a sunken Rock within sight of the City Walls, and beat such a Hole in her Bottom, that they were oblig'd to run her ashore under those Walls to save their Lives. — Whilst they were running her ashore, it was consulted and agreed to by all, that they should tell the *Spaniards*, they were *English* Men belonging to *Jamaica*, and plying up to *Windward*, towards *Barbadoes*, till the Leakiness of their Vessel oblig'd them to bear up; and that *Malloch* and *Pincarton* should pass by borrow'd Names, least by their true ones, they should be discover'd to belong to the Collony. (*Malloch's* Name was to be *James Jamison*, and *Pincarton's*, *John Robertson*) the Declarations and all other things that might discover them, were likewise thrown over-board, except a Packet of Letters from the Council to the Company, which — *Neilson*, *Pincarton's* Clerk, either designedly or negligently kept in his Pocket, and which unluckily betray'd all. There was likewise a *French-man* Passenger on board (Lieutenant of Mounfier *Vivie Thoma's* Ship, which was Cast away in the *Caledonian* Harbour) whom they were at some stand how to dispose off, but he Swearing Heartily, that he would not discover them, they gave him Leave to Land with them.

At their Landing (which was on the 5th of *February*, the Day before the *Tubaconti* Scuffle) they were kindly receiv'd by the *Spaniards*, upon the account of the *English* Colours

Remark, that if it had not been very fair Weather, and smooth Water, the breach of such a Rock is to be seen some Miles distant — and that this enervates the story of the stress of Weather,

they had hoisted, when they threw away the *Scotch*: But afterwards upon suspicion (or some discovery of the *French* Lieutenant) *Malloch* was put by himself in one part of a Prison, and *Pincarton* in another, the rest of the Crew being put in together. Next day, the Governour with the Magistrates of the City, being conven'd, sent first for *Malloch*, whom they put to his Oath, to declare the Truth in answer to what he was to be ask't. The First Question they askt, was his Name? *James Jamison* quoth *Malloch*. 2. What Country-man he was? *An Englishman*. 3. From whence came he and whither was he bound? *From Jamaica to Barbadoes*. 4. Did not he belong to the *Scots* who had Landed on *Darien*? No. Then the Governour order'd the Letter

*This Letter did not only discover the whole proceedings and secrets of the Collony, but particularly mention'd the design of the Dolphin's Voyage,— to wit, to Trade with the Spaniards at Rio-la hache or St. Maria, and so to proceed as aforesaid.*

from the Council to the Company in *Scotland*, to be shew'd him; but *Malloch* would not know it. After some more Questions he was remov'd and order'd to be Loaded with Irons. —

*Pincarton* was sent for next, under the Name of *John Robertson*, and having taken his Oath, with a Resolution to stand by the Stuff, was told to take care of his Soul, the Captain having already Damn'd his fairly. They acquainted him that the *French* Lieutenant had given them sufficient Information, and ask'd him if he knew that Letter, or any of the hands at it. The unexpected sight of this Letter, or Conscience flying in his Face, made him not only confess that one of the Subscribers was himself, but inform'd them of the minutest circumstances of the Collony, and the weakness of their Fortification. *Pincarton* for his fair discovery, was remanded to Prison, but afterwards kindly treated, and *Malloch* used like a Dog\*. When *Pincarton* came from the Governour, he sent for *Livingston* the

\* *Malloch* being in a strait betwixt 2 Oaths, one he had taken to the Company, and this he was taking against them, thought the first was most binding.



Chirurgeon, and bid him acquaint the Men that they need not deny any thing, the Frenchman and the Collony's *Letter* having discover'd all.

There was but little Ceremony requisite to make the Goods Prize, for besides their coming in under false Colours, and denying their true Names, they were (abstract from the *Darien* Invasion) liable to the Lash of the 8<sup>th</sup>. Article of the Treaty 1670. where it is positively stipulated, *That the Subjects of his Britannick Majesty shall not Sail unto the Ports, Harbours, Bays, Rivers, Creeks, Havens, &c. nor offer to carry on any kind of Commerce or Trade with the Subjects of his Catholick Majesty in America, &c.* The Company will be apt to say, That they had been in no *Spanish* Port, that in the strictest sense it can only be reckon'd a design at most: And, as they were forc'd ashore by Shipwrack, they ought to have the benefit of the 10<sup>th</sup>. Article. — As I don't pretend to the Niceties of Law in this Case, I am willing to leave it to the *Civilians* to determine, whether the Prosecution of a Voyage is not Execution of the Design *in parte*.

Several Examples with relation to this might be adduc'd, but lest they should be rejected by the Gentlemen of your Company as far fetch'd, and consequently impositions upon their good Sense and Understanding, I'll refresh their Memory with one which is within the reach of some of their Knowledge. — In March 1692, a Scotch Ship of *Irwin*, ..... *Brown* Master, and *Robert Murchy*, (Bailliff of that Town) Owner and Supercargoe, was taken in the Bay of *Biscaye* by some *Biscayers*, brought into *St. Sebastians* and there Condemn'd as Prize, notwithstanding the Vessel had been in no *French* Port; had no *French* Goods on Board, but a lading of Coals, with Cockets from *Scotland* to *St. Sebastians*. — The true reason of her Condemnation was her being taken on the *French* side of the Bay, near *Bell-Ile* (which is not the direct Road from *Scotland* to *St. Sebastians*) and some

some of her Men confessing that she was bound to *Bordeaux* for Wine and Brandy.—— You may perhaps say that the Case is different, there being War betwixt *Scotland* and *France*: but the *Spaniards* will reply, That by the Treaty betwixt the Crowns of *Great Britain* and *Spain* the *Pæna* is the same.

*Pincarton*, *Malloch*, *Graham*, and another were carried to *Spain*, were Try'd by a Justice Court at *Sivil* as Pirates (for passing the *Canaries* I can scarce believe) and Invaders of the *Spanish* Province of *Darien*.—— They pleaded that they acted by Commission from an incorporated Company in *Scotland*, who had an Act of Parliament in their Favour, with the King's *Letters Patent*. To this a Letter sent from the Marquis of *Canales* to the President of that Court was read, certifying, that the King of *Great Britain*'s Answer to the *Spanish* Memorial was, *That it was without his Knowledge any of his Subjects went to Darien, and that he gave them no Commission to invade the Spanish Dominions*.—— They ask'd the Prisoners, Who were the chief Persons who sent them abroad on that design, to which they answer'd, the Duke of *Hamilton*, Marquis of *Tweddale*, and Earl of *Panmure*. Upon which it was the Opinion of the Court to inform the Catholick King with the Confession of the Prisoners; and since it appear'd that they had no Commission from their King to invade *Darien*, but from private Subjects; that his Catholick Majesty, by his Minister, might at the Court of *Great Britain* demand Satisfaction out of those Noblemens Estates.—— This appears to be the true procedure of that Court; it being ridiculous to imagine that a *Spanish* Court of Judicatory would Condemn Men upon an old obsolete Act which has been revers'd long ago by the Treaties between all the Sea tradings Nations in *Europe* and *Spain*. Or that an inferiour Court at *Sivil* would take upon them to forfeit the Subjects of other Princes.—— But it's no wonder that *Pincarton* and his Companion forget and mistake the  
pro-



procedure of the *Spanish* Court, when they refused to go thank his Majesty for their Lives while they were in *England*, they either believing or being made to believe that the Company saved them; and if they should go near his Majesty on such an account, it would disoblige the Company. — Neither will these suffer themselves to be perswaded that it was through the King's intercession or mediation, but by the Company's Addresses to the King to demand them; notwithstanding there was no demand in the case, but merely to his Majesty's Goodness, and the Catholick King's Mercy, they owe their Lives. — This is the second time *Pincarton* has slipt the *Spanish* Noose, let him take care of the third.

So much then for the ground of the *Caledonian* and *Carthaginian* War, where 500 Men died for one that was slain. — One thing I must add by way of Observation, that in his *Eminency William Paterson's* Letter to *Boston* in *New-England*, dated *February* the 18<sup>th</sup>. 169<sup>2</sup>. (cited in the *Enquirer*, p. 74.) there's not one Syllable mention'd of the Rupture betwixt the *Spaniards* and the *Collony*, notwithstanding both the aforesaid alleged Hostilities were committed 12 days before the date of the Letter. His words relating to the *Spaniards* are these, — *The Spaniards, as we can understand, are very much surpriz'd and alarm'd, and the more, that it comes as a Thunderclap upon them, having had no notice of us until three days after our Arrival. We have written to the President of Panama (a great mistake an't like your Eminence) giving him an account of our good and peaceable Intentions; and if that is not condescended to, we are ready for what else he pleases.* — The whole Letter deserves several Remarks, to expose his Eminence and his Project, which I shall forbear here, having made them somewhere else, and which you may perhaps see, if you are not satisfied with the contents of this Letter. I only desire you to mind the disingenuity of this Paragraph, that notwithstanding the *Tubaconti* Scuffle, and *Dolphin's* Detention, and the Councils giving out Reprisal

Commissions, yet he talks of a good *Understanding* between the Collony and President of *Panama*. — The same President is now at *London*, and declares, That he never heard, directly or indirectly, from the Collony; till the *Tabacant* Business. — It's pity the *Boston* Printer of that *Letter* had not dated it the 18th of *January*, instead of *February*, and then his Eminency's *Epistle* to the Governor of *Panama* might have passed for such another as Capt. *Saskins* sent him in the Year 1681.

Sir, Having swell'd this *Letter* beyond what I design'd when I sat down to write, I intreat you'll excuse it, and if it does not carry that ennergy of Argument with it as the Subject merits, I hope you'll impute it to the weakness of the *Casuist*, and not believe the Cause to be the worse because an indifferent Hand undertakes it. — It's my comfort that a good Face needs no Band, and I'm satisfied that the best one that *Ferg—n* can put on will not make him *Bonie*. — One Favour more I would ask, namely, That you would use your Interest with the other Gentlemen of your Company to guard against Passion, *Principius obstat & animus regere* (that you mayn't misconstrue me) and not to suffer it to take Root, for there's no greater sign of a Man's Reason being depraved or vitiated than when he turns *Cholerick*. It's much more glorious for a Man to own an Error, than obstinately to stand in it. — Why mayn't you acknowledge that *Paterfon*, *Smith* and *Lodge* (noted Impostors) your three Projectors, jointly and severally cheated you, since all the World, and your selves too, are sensible of it? If *Paterfon's* Project had been honest, without any design upon the *Spanish* cultivated Country, your People would soon have left *Caledonia* of themselves. The Heavens certainly look down with a just Eye upon Mens Actions, and favour or thwart them according to the Justice of their Intentions; neither do you appear in any Step you have made to *Darien* to have



had its Concurrence. I have no mind to enumerate the several Divine Reproofs or Chastisements you have met with; they have been too plain and frequent either to be slighted or forgot. If you look upon them as casual Accidents only, and your young Chaplains impute them to the profligate Crew you sent out, I am satisfied Mr. *Sheels* (if he is alive) has a truer sense of them.

But still, if your Company are resolv'd to try their Fortune in *Darien* once more, why will not the Managers have a Month or two's patience to see whether the D. of *Anjou* is universally received King of *Spain* and the *Indies*? So small a time can break no squares, since you are not in such a readiness, at present, to transport Men and Materials. If your Sovereign acknowledges him to be the Catholick King, you'll quickly have an opportunity of demanding Satisfaction: And you know that by the Treaties betwixt *Great Britain* and *Spain* (and likewise by your own Doctrine) you are not to make Reprisal without that preliminary Ceremony, and his denying or unreasonably delaying Justice. — You cannot tell but the Government of that Nation will advance better Proofs for their Title to *Darien*, than what you have to shew against it.

On the other hand, if your Sovereign does not acknowledge that Prince King of *Spain*, it's a Round to a Penny, but you'll quickly have a Title good enough, to far better Settlements in *America* than that of *Nova Scotia*, I mean *Caledonia*, where there's nothing to be had but hard Labour, Sweet, Hungry Bellies and Shallow Graves: And where I'll engage no People of the World will be at the pains to Settle, except your Company, who may do it more out of wilfulness than any other Policy. — As for the empty Noise some of your Partizans make, that if you had been encouraged and supported in your *Darien* Colony, you might now have been a good Thorn in the *Spaniards* side, — To this I answer, first, that if either the K. of *Spain* had lived, or  
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the Succession any other way disposed on, than now it is, No single Nation in *Europe*, would have adventur'd to support you. 2. As it is, the *Creolians* from *Jamaica* alone (besides what will be ready for the March from the other *English* Plantations) are able to do more Execution and Feats, upon the *American Spaniards*, than some Thousands more than your Company are able to send out are capable of; without offering any disparagement to the Bravery of your Men in *Europe*.

To Conclude, if you are resolv'd to vindicate your *Darien* procedure, I shall offer you the following advices -- 1. For the sake of Truth, and for the Reputation of your Board, not to Brow-beat and Frighten such People out of their Senses, as are inclin'd to declare the Naked Truth, or lay the same before your High Court of Parliament. 2. Not to fear that any other Nation will Settle on the Vestige of your Fort *St. Andrew*, or snap up your Collony. 3. Not to diffuse needless Fears and Jealousies amongst his Majesties good Subjects, as if the *English* had endeavoured to invade the independancy and Sovereignty of your Nation; or that they want to reduce you to a Province. There's no such thought in any *English-man's* Breast, nor would any but Mad Men think it's their Interest to Conquer you. — *Verbum sapienti sufficit*. 4. Not to believe, that the *English* take any illegal Measures to support their own Interest and Trade, either abroad or in their Collonies. 5. Not to imagine that the opposition they have made to your Subscriptions at *Hamburgh*, was an invasion upon the Liberties of your Nation; or that they obstructed the Execution of your Act, while you Traded to *Asia*, *Africa* and *America* on your own Nations Bottom. 6. Not to Frighten and upbraid *Old-England* in all your Pamphlets, with a Fact which I dare say they will not do again, to wit, in Sacrificing the E. of *Strafford*, and Arch-Bishop *Laud*, to the *Scots* Covenanters. Those who flatter themselves, that their intestin Convulsions may reduce them



to such a Compliance, may find themselves mistaken in their Politicks. Let such Libellers remember, that the Covenanting Ring-leaders and Instruments thereof paid for it with a witness. I don't care to refresh your Memory with Names, *Quia quas meruit Pœnas jam dedit illud opus*; being no way inclin'd by ripping up Old Sores to revive Animosities between the good Subjects of both Nations. 7. As you have a large Act with great Privileges and Immunities to Trade to the foremention'd parts, and make Settlements in such places as you think fit, (and don't belong to other Princes in Amity with yours) go on in God's Name and prosper, but don't touch *England* so near the quick as to draw in Foreigners to rival her Trade, and that under her Wing. I wish some expedient could be thought on to remove that Jealousie, whereby *England* may have no just reason to oppose the Execution of your Act any where. 8. Not to give ear or be seduced by some private designing Persons who have a different Game in Chace than that of *Darien*, or the Nations Happiness; nor believe that *Old England* can by any Foreign Accident be so debas'd, as to be capable of dishonourable Condescensions. They are older both in Wisdom and Grace than they were in the Civil Wars; and there is not that room now (praise to Heaven) for private Seditious Incendiaries which was in those Days; the *Solemn League and Covenant* being then the WORD, whereas it's only *Darien* now for want of a better.

Only vid. Baker's continued Chron. p. 492. and compare the 37 and 39 page of the *Darien* Defender together nicely, and mind how he foams at the mouth at Oliver's Ingratitude.

Sir, If you can find any thing in the Premises that will not stand the test of Argument, Reason or Truth, I shall be glad to hear from you, and I'll either own my Errour, or endeavour to convince you further. You need not be afraid that what you offer will be suppress'd whilst you don't impeach and threaten Governments; which your *Darien* Authors

thors hitherto so generally affect, either out of Vanity to be reckon'd bold daring Blades, or from a truer Reason, to wit, that by the Governments suppressing their Performance, the Infirmary thereof be shaded from the Judicious : Tho' this advice is not, nor cannot be so properly directed to you as to your *Darien* Friends, to whom pray remember,

S. I. R,

Your's, &c.

TIMONICULUS.

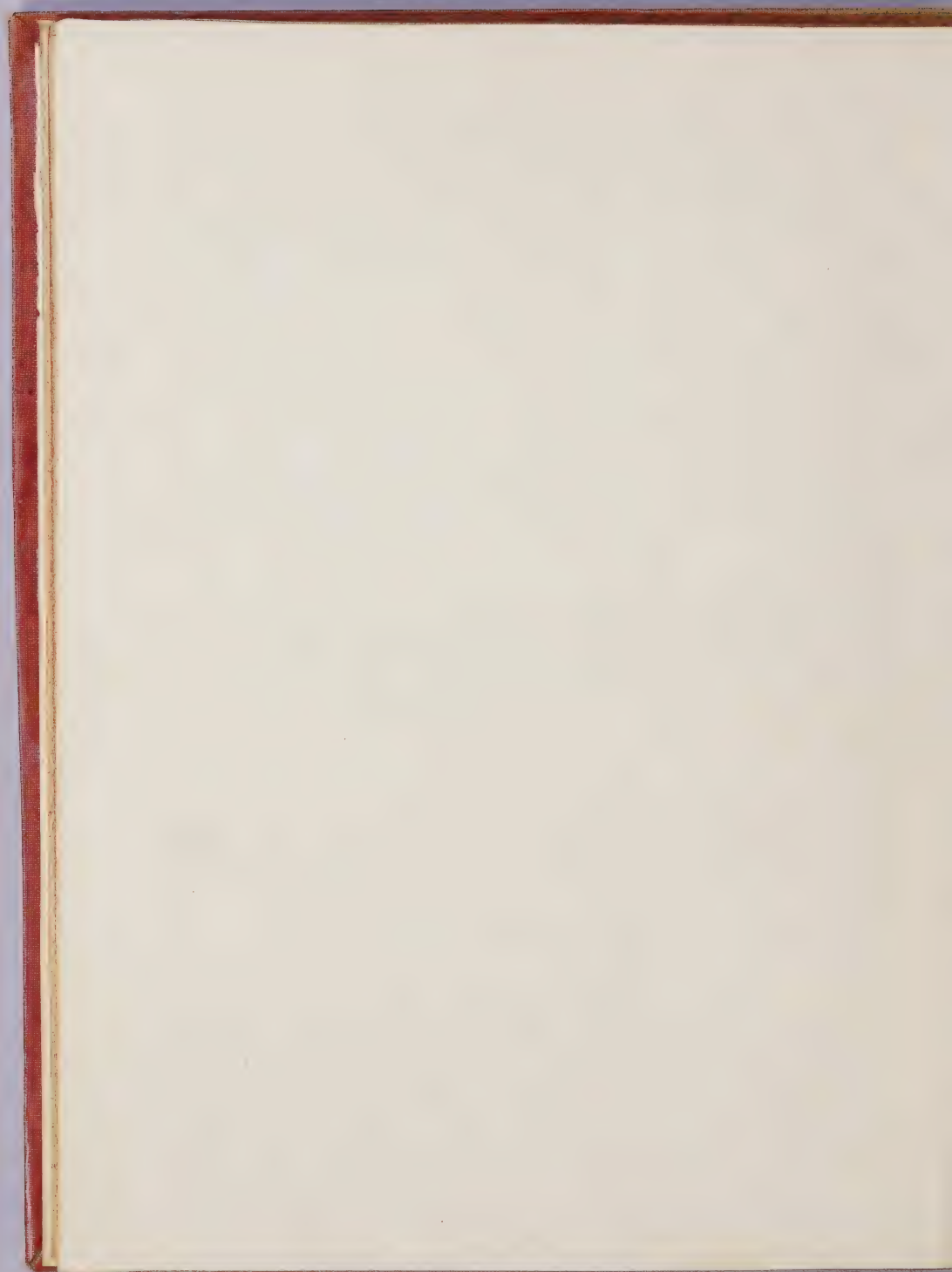
*I tamen, I pro me tu cui licet aspice* EDINUM.  
*DII jubeant, flammis si patiare meis,*  
*Invictus vadas testis tu in sæcula iusta*  
*SCOTORUM gentis.* —

ERRATA.

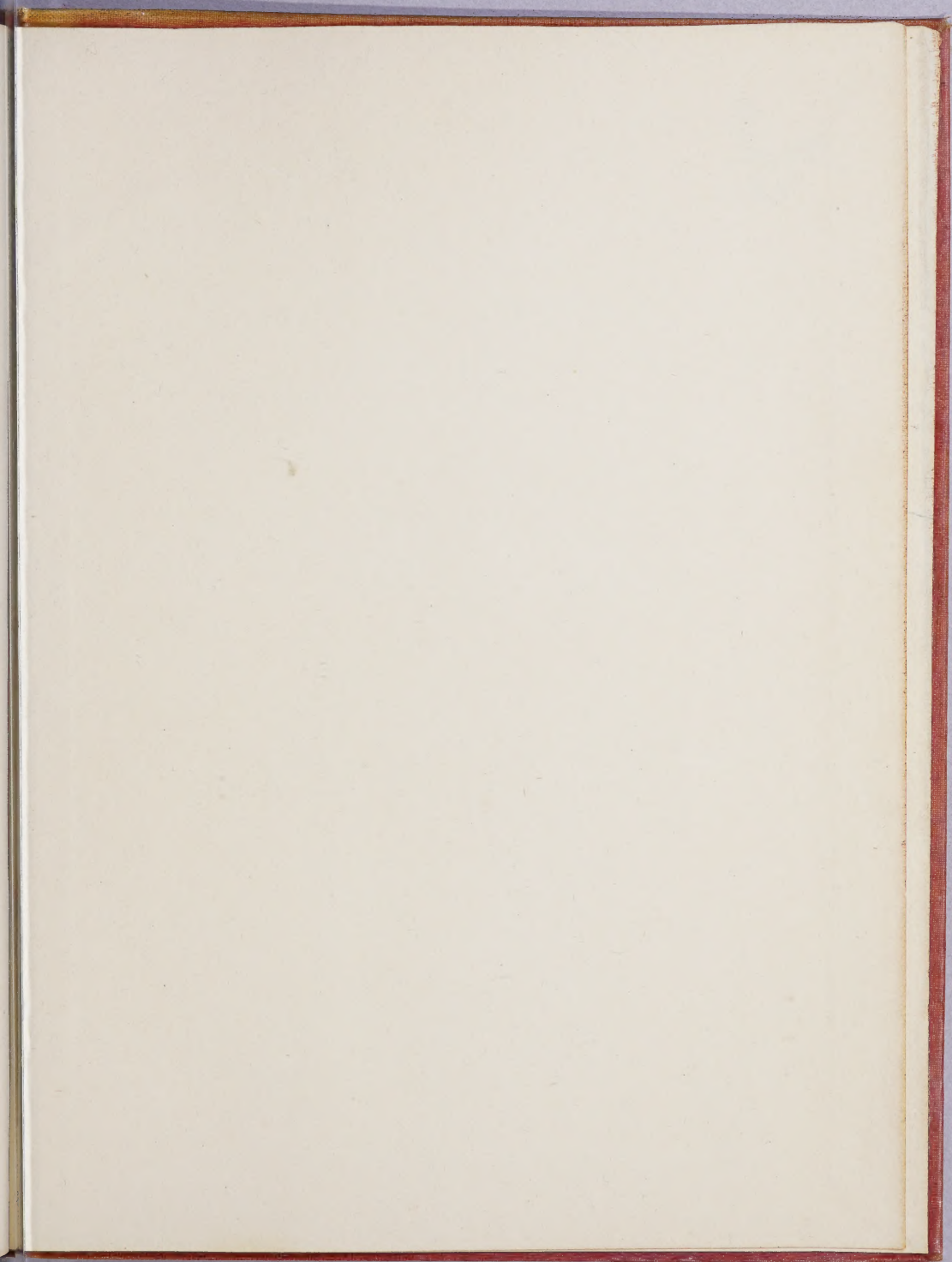
Page 26. line 23. for *rapture* read *rapture*; p. 33. l. antipenult, for *was r. were*.

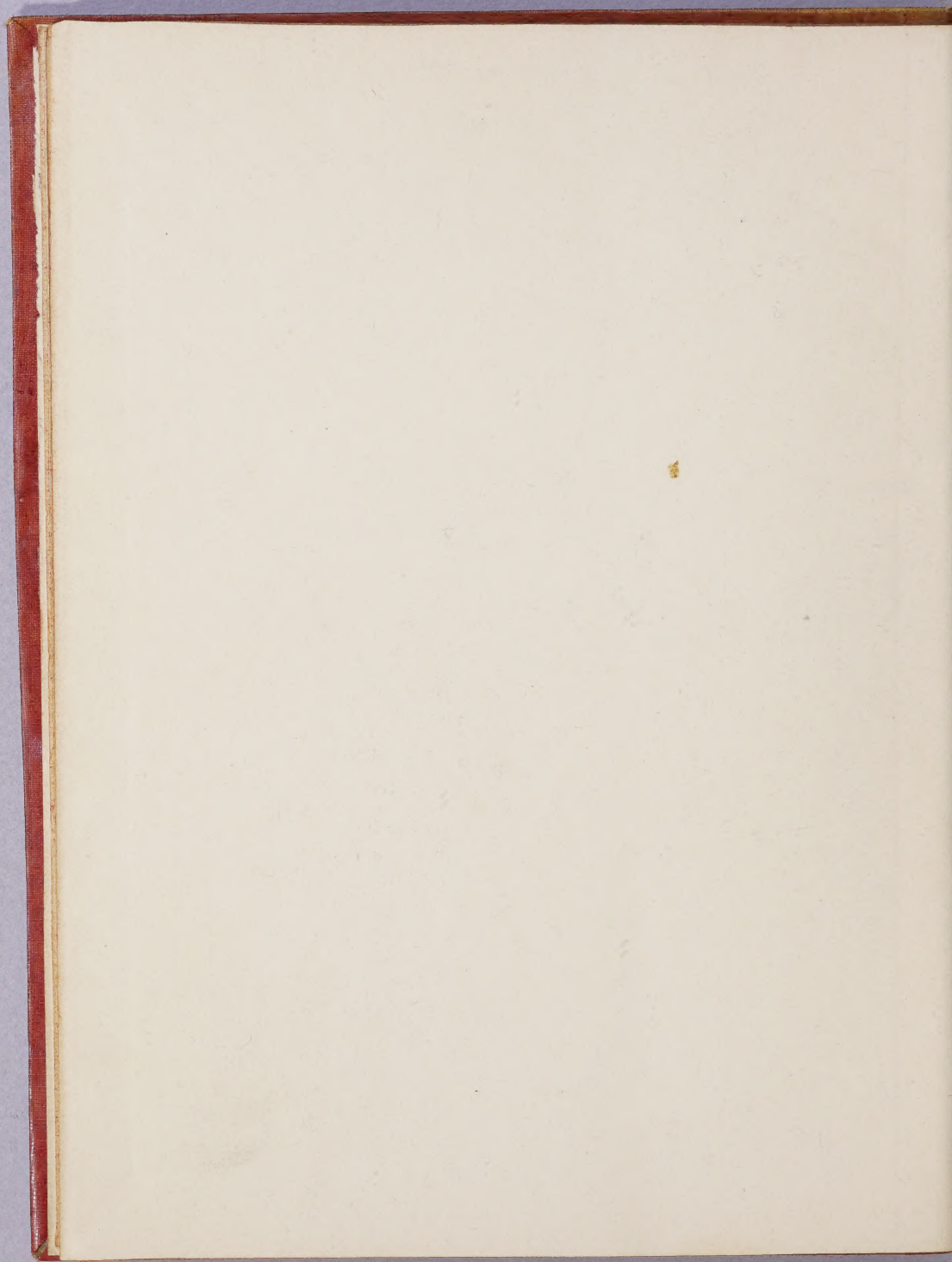














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